

ITEM 6 ROCK FISHING SAFETY ACT 2016 - OPT-IN LEGISLATION

Rock fishing continues to be one of the city's highest-risk recreational activities. Since January 2021, six rock fishers have lost their lives at the rock platform known as Honeycomb Rocks at Port Kembla.

Council officers have continued to liaise with key agencies to explore a holistic multi-agency approach to enhancing rock fishing safety including education, engagement and communication, equipment and enforcement. Our Research continues to highlight that the *Rock Fishing Safety Act 2016* (Act) remains the only available legislative means in New South Wales (NSW) to have rock fishers mandated to wear an appropriate life jacket when fishing at high-risk locations.

Acknowledging the ongoing rock fishing fatalities occurring on our coastline, on 23 May 2022 Council resolved to pursue stakeholder and community engagement on a proposal to opt-in on the Act. The community engagement phase was pursued from 24 June to 24 July 2022 with the findings of the consultation phase now a key consideration in a proposal to opt-in to the legislation.

RECOMMENDATION

- 1 Council notes the findings of the Rock Fishing Safety Community Engagement Report outlined in Attachment 1
- 2 Council requests the Minister for Local Government to make a declaration under the *Rock Fishing Safety Act 2016* that the Wollongong Local Government Area (LGA) is an area where high-risk rock fishing takes place
- 3 For the purposes of the above declaration, the high-risk rock fishing locations within the Wollongong LGA are those described and identified on the map attached to this report.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Rock Fishing Safety Community Engagement Report
- 2 High Risk Rock Fishing Areas Wollongong LGA combined - Map

BACKGROUND

Since early 2021, a total of six rock fishers have tragically lost their lives at a popular rock fishing location on a rock platform below Hill 60, Port Kembla, located on Sydney Water land known as Honeycomb Rocks.

In response, Council gained Sydney Water's support to install multilingual shock signs in the Hill 60 rock precinct warning of the hazards of rock fishing and recommending the wearing of life jackets. Throughout the past 15 months Council has maintained engagement with NSW Police, Marine Area Command, Department of Primary Industry (Fisheries) (DPIF) and Surf Life Saving to deliver two onsite information and educational workshops in the Honeycomb Rock precinct carpark. Information from these workshops can be found at <https://wollongong.nsw.gov.au/explore/beaches/rock-fishing>.

Council officers have also actively participated with other councils, through its membership of the NSW Local Government Coastal Safety Group on initiatives to reduce the frequency of rock fishing deaths. This research notes that a number of councils that had previously experienced repeated rock fishing tragedies, such as City of Randwick, Sutherland Shire Council, Northern Beaches Council and Lake Macquarie City Council noted decreases in incidents and/or deaths since they pursued opting into the legislation. It is evident from these ongoing discussions with councils that have opted into the

Act that rock fishers' compliance to the wearing of life jackets varies between 50 to 90% and remains heavily reliant on the enforcement capabilities of NSW Police.

In response to the number of incidents and requests from NSW Government representatives and agencies, a report to Council was considered at its meeting on 23 May 2022, Item 2 Rock Fishing Safety Act 2016 Opt-In Legislation, where it was resolved unanimously that:

1. Council resolves to pursue stakeholder and community engagement for 28 days on Council's proposal to opt-in to the *Rock Fishing Safety Act 2016*, which would see areas within Wollongong LGA declared as high-risk rock fishing locations.
2. A subsequent report come to Council with the outcome of this engagement to have Council resolve to request the Minister for Local Government to make a declaration under the *Rock Fishing Safety Act 2016* that the Wollongong LGA is an area where high-risk rock fishing takes place.
3. The report also investigates a range of options that may include, but not be limited to, short term hire or loan of life jackets so that no one is disadvantaged by the introduction of this regulation. Further that funding options to provide this, including funds from the Recreational Fishing Trust and the Port Kembla Community Investment Funding (PKCIF) be examined.
4. For the purposes of the above declaration, the high-risk rock fishing locations within the Wollongong LGA are those described and identified on the map attached to this report.

In response to the Council resolution points 1 and 2, Council officers have pursued formal engagement with the broader community from 24 June to 24 July 2022 and targeted key stakeholder sessions with NSW Police, Marine Area Command, Surf Life Saving NSW, Surf Life Saving Illawarra, DPIF, the NSW Local Government Coastal Safety Group and land-based anglers representations.

It is noted from these discussions with emergency responders such as NSW Police and Surf life Saving that there is strong support to see Council Opt-in to the legislation. Some of the expressed views of representatives of rock fishers indicated a desire to see access again to save ocean fishing locations such as the Port Kembla harbour northern break wall or the recently fenced Wollongong Harbour break wall. In addition, Rock Fishing representatives noted that the wearing of life jackets should remain a personal choice.

As outlined in the Rock Fishing Safety Community Engagement Report (Attachment 1), Council pursued a range of engagement initiatives to seek opinion on the proposal, gain further insight into local issues and to better understand attitudes around the wearing of life jackets.

Council officers engaged with over 1,000 participants registered on the 'Our Wollongong' website, published a series of Frequently Asked Questions (FAQs) on its website, established a web-based Question and Answer (Q&A) forum and online survey. The opportunity to participate was also pursued through social media and with multilingual signage at popular rock fishing locations and multilingual flyers at libraries and community centres, swimming pools and local bait and tackle shops.

Outcomes and key findings of the engagement are available within Attachment 1 with the engagement phase providing 106 formal contributions via the online survey or the Q&A.

A summary of these engagement findings include:

- 91.5% of participants said English was their first language
- 75% of respondents said they fish every few months or more frequently
- The most common reason for rock fishing was leisure, followed by sport and food
- The most common zone participants fish within is Zone 3 (ie the southern coastal area from City Beach to Windang)
- Of the participants who rock fish, 60% said they either 'never' or 'rarely' wear a life jacket

- 91.8% of respondents indicated they knew where to get rock fishing safety equipment (such as a life jacket).

Survey participants were asked the following primary question:

‘Wollongong City Council is proposing to opt-in to legislation that would make it a legal requirement for rock fishers to wear a life jacket while fishing from rock platforms in Wollongong. What would you like Council to consider before making this decision?’

Council received 95 responses to this particular question with the responses analysed for their sentiment and scored as either supportive of Council’s proposal, neutral (or didn’t have any clear or obvious sentiment), or unsupportive.

The results were:

- 33.7% supportive
- 34.7% neutral
- 31.6% unsupportive.

In addition to the primary question, participants were asked at the end of the survey if they wished to make any further comments. A wide variety of minor themes were identified in the responses and within these themes, participants expressed a broad spectrum of opinions.

A summary of the feedback received and issues raised in all submissions is presented under the following feedback themes listed below in frequency expressed (highest to lowest):

- Education
- Signage
- Enforcement
- Economic impact
- Freedom to make personal decisions
- Less high-risk areas
- Need for safer alternative sites
- Hill 60
- Consider the lives risked in rescuing
- Life jackets
- Head injuries and helmets
- Wet suits and safety equipment
- Swimming ability
- Life jackets impact on ability to dive under waves
- Life jackets create a false sense of security.

In relation to point 3 of the resolution which relates *‘to investigating a range of options, but not be limited to, short term hire or loan of life jackets so that no one is disadvantaged by the introduction of this regulation’*, Council officers noted the following feedback from rock fishing retailers and experienced rock fishing anglers on loaning or hiring life jackets:

- The average cost of readily available compliant rock fishing life jackets (Australian Standard 4758 at least level 50s for adults or at least 100 for children under age 12) is between \$50 and \$100. Feedback from anglers and retailers is that the pricing of life jackets is considered reasonable in comparison to other rock fishing tackle and essentials such as particular ocean species lures costing up to \$25 and noting entry level fishing gear, footwear and tackle ranges from \$500 to \$700 to commence rock fishing.
- Council officers note that a life jacket loan/hire system has been established and operating in Western Australia (WA) through Recfishwest, which is the peak body representing the interests of 750,000 recreational fishers in WA and have a long-standing service level agreement with the WA Government. Participating bait and tackle shops can be located at <https://recfishwest.org.au/our-services/safefishing/>.

- Feedback from local stakeholders indicated that hiring would not likely be considered viable given the relative low cost of purchase of new life jackets and the need for more frequent maintenance in accordance with manufacturers guidelines on all life jacket options.
- Local retail stores' operating hours suit daytime rock fishers for purchases but do not cater for or align to popular late afternoon/evening fishing patterns.
- It was also highlighted that hiring or sharing of life jackets runs the risk of individuals not pursuing a correct and close-fitting life jacket. Should a fisherman be immersed in the water and be unfamiliar with the operation of a life jacket there is a risk of the life jacket being worn in a manner that may not optimise their buoyance performance and reliability when immersed.
- It was noted that contemporary inflatable life jackets have a life averaging six years. The lifespan is heavily dependent on correct and compliant maintenance (annual testing on inflatable options). The hiring of such items in a marine environment would significantly reduce the lifespan of the life jacket and require a comprehensive hygiene regime.
- Local fish and tackle stores within five kilometres of Hill 60 carry a broad range of compliant rock fishing safety life jackets and other safety equipment including footwear.
- Other initiatives such as the provision of Emergency Rescue Beacons (ERB), which are currently managed by Surf Life Saving NSW (SLSNSW) on four local unpatrolled beaches, are considered an effective post incident response. These solar powered devices provide digital images of emerging incidents and when activated escalate immediately to emergency response agencies. Council officers have worked collaboratively with SLSNSW and a unit has recently been installed during August 2022 on Sydney Water land adjacent to Honeycomb Rocks, Port Kembla.

In relation to point 3 of the resolution, *'that funding options to provide this, including funds from the Recreational Fishing Trust and the Port Kembla Community Investment Funding (PKCIF) be examined'* Council officers have explored current available funding opportunities.

The Recreation Fishing Trust Grants do provide opportunities to support rock fishing safety and Council currently has a grant application for rock fishing safety signage at popular locations across the city currently under evaluation by the DPI.

It is noted that funding options for the provision of education workshops and life jackets have recently been supported through a successful grant funding initiative by SLSNSW with funding through the Department of Primary Industries NSW Recreational Fishing Trust. The 'Gone Fishing' rock fishing safety workshops are targeting aspiring rock fishing anglers across NSW.

The first of these initiatives in the State is scheduled to be conducted at Port Kembla on Saturday, 10 September 2022 and has been proactively encouraged and supported by Council. The event will see registered participants pursue the following:

1. Rock fishing skills workshop
2. Life jacket education session
3. Safety gear session – clothes, shoes etc.
4. Understanding conditions – Wind, swell, tide, and signage
5. Hill 60 platform hazard tour
6. Emergency scenario session featuring Wollongong City Council lifeguards and local volunteer lifesavers.

If registered, participants who attend and complete all the activities across the day, will be personally fitted with a free life jacket.

Council officers have also reviewed the current eligibility criteria for the PKCIF grant opportunities. A review of the requirements notes that eligible projects must come the following streams:

- Stream 1: Community Infrastructure – Construction of new or upgrades to existing community infrastructure that is used primarily for public benefit.
- Stream 2: Business Infrastructure – Major capital expenditure on new equipment, facilities, utilities, road and rail access infrastructure.
- Stream 3: Environmental Infrastructure – Activities that help decarbonise local industry with a focus on heavy transport mobility.

As such grant funding opportunities may be a consideration for future water safety infrastructure initiatives at Port Kembla, with funding restricted to the Port Kembla 2502 precinct only, with resources being unable to be utilised elsewhere within the LGA.

Clarification on what is the *Rock Fishing Safety Act 2016 (Act)* and where it applies

The Act only applies to councils who have opted into this legislation. The legislation gives councils and other enforcement agencies including the NSW Police, DPIF and National Parks and Wildlife Service, power to enforce the mandatory wearing of approved life jackets by rock fishers within declared areas. The enforcement of the Act has in other Local Government areas been led by NSW Police.

Specifically, the Act requires a person must not rock fish without a life jacket at a high-risk rock fishing location. Secondly, a person must not permit a child in their care or supervision to rock fish in a high-risk rock fishing location. A child is defined as a person who is under 12 years of age.

A high-risk rock fishing location is specifically defined in the legislation as 'naturally occurring rock platforms or other rock formations exposed to ocean swell within a declared area'. The high -risk rock fishing locations are identified in attachment 2 is applied to all naturally occurring rock platforms or other rock formations in the Wollongong LGA.

The attachment 2 maps reference all the locations where such naturally occurring formations lay. All rock platforms provide increased risk by varying tidal and ocean conditions and a rock fisherman's potential inexperience to hazards present at these locations. The application of high-risk locations across the entire and all rock platforms in the LGA is consistent with the intention of the legislation and what has been recommended by the DPIF and applied and implemented by the council's that have opted-in to the legislation.

While a small number of fatalities have occurred at manmade structures such as break walls, these are not considered a high-risk rock fishing location. The Act has limited the wearing of life jacket requirements to all naturally occurring rock platforms and rock formations within declared areas.

Following a resolution of Council to opt-in to the legislation, the legislation requires an initial 12-month moratorium on infringements. Following this, enforcement will be pursued by NSW Police noting the issuing of Penalty Infringement Notices (PINs) with PINs to be paid into the Recreational Fisheries (Saltwater) Trust. Following the decision of the Council to formerly opt-in, the Minister needs to declare the areas, by order, published in the gazette.

Why Should Council opt-in?

An average of eight lives are lost each year in NSW due to rock fishing, and previous coronial inquiries recommend that life jackets be made mandatory in NSW. To date, eight councils have formerly resolved to opt-in to the Act to reduce the frequency of fatalities at high-risk rock fishing locations. Engagement with a number of these Councils indicate a reduction in rock fishing related fatalities in these LGAs. The NSW Police have again reassured Council of their willingness to participate in targeted enforcement initiatives noting the likelihood that the compulsory wearing of life jackets may lead to a decrease in fatalities.

PROPOSAL

Council has pursued community consultation for 28 days on a proposal to opt-in to the Act. The outcomes of the community consultation are noted, and this proposal now sees areas within Wollongong LGA declared as high-risk rock fishing locations. The Act defines a high-risk rock fishing location as 'a naturally occurring rock platform or other rock formation exposed to ocean swell within a declared area'.

The declaration would include a description and map that identifies the high-risk rock fishing locations (Attachment 2) and would be published on the NSW Government website and any other appropriate website, including the Wollongong City Council website.

CONSULTATION AND COMMUNICATION

Council has continued to engage with key stakeholders including NSW Police, Marine Area Command, Surf Life Saving NSW, various NSW Government departments, other coastal councils and land-based anglers. In addition, the Lord Mayor and staff met with NSW Police and Marine Rescue to discuss the options available and the role of Police in enforcement.

As part of the proposal to have Council formally opt-in to the Act, Council has undertaken a 28-day community engagement process to seek further feedback from stakeholder groups and the broader community.

As outlined in Attachment 1, community engagement was undertaken from 24 June to 24 July 2022.

The primary purpose of the engagement was to:

- Determine the level of support for the proposal
- Discover local knowledge that may influence Council's decision
- Understand the social and economic impacts.

The secondary purpose of the engagement was to:

- Raise awareness of the hazards and dangers of rock fishing
- Understand the reasons for reluctance to life jackets
- Gauge the reasons why people rock fish
- Gather ideas on the most effective ways to change risk-taking behaviour.

Findings of the engagement are outlined in the Attachment to this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 5 'We have a healthy community in a liveable city'. It specifically delivers on the following:

| Community Strategic Plan 2032 | Delivery Program 2022-2026 | Operational Plan 2022-23 |
|--|----------------------------|---|
| Strategy | Service | Operational Plan Actions |
| 5.4 Provide a variety of quality and accessible public spaces and opportunities for sport, leisure, recreation, learning and cultural activities in the community. | Lifeguard Services | Explore and deploy Smart Technology options to better obtain and utilise attendance and event data to inform Lifeguard Services Provision |

RISK MANAGEMENT

Rock fishing is one of Australia's most high-risk pastimes. The Surf Life Saving NSW Coastal Safety Report 2021 notes that since 2004/05 that 19% of all drowning deaths in NSW are associated with rock fishing with an annual average of eight rock fishing related fatalities. Since January 2021 there have been six rock fishing related deaths in the Wollongong LGA. With each incident there are additional risks to first responders and rescue and recovery teams.

Reducing the number of people who die while rock fishing is the key aim of the Act and supported by the Office of Local Government, NSW Police and State Government agencies, Surf Life Saving NSW and

Surf Life Saving Illawarra. By opting in together with active NSW Police support on enforcement and multi-agency participation in deployment on communications and education, there is an anticipated likelihood of reducing rock fishing deaths in the city.

FINANCIAL IMPLICATIONS

Should Council decide to opt into the legislation it will be required to meet all costs associated with the installation of signage and production of targeted educational resources. The cost associated with public education and signage across all declared high-risk locations is estimated at \$60,000. Council officers have recently applied for grant funding of \$30,000 from the Recreation Fishing Trust to pursue educational signage to support Council in opting into the legislation.

The deployment of the signage and further enhanced educational resources would be reliant upon Council securing external grant funding associated with recreational fishing or identifying resources from Council's future operational and capital works budget, including signage maintenance.

Council's current water safety education programs delivered through schools was updated and the use of Council staff during any joint exercises will be undertaken within current budget allocations.

CONCLUSION

Council officers have deployed a range of community engagement initiatives throughout the 28 day consultation phase. In addition, staff have continued to actively engage with key stakeholders including NSW Police, Marine Area Command, Surf Life Saving NSW, various NSW Government departments, other coastal councils and land-based anglers, in pursuing research into initiatives to reduce the likelihood of rock fishing tragedies occurring within the LGA.

Research indicates a range of measures are required to reduce the risk of fatalities for rock fishers along Wollongong's coastline. Many of these measures have been deployed and will continue to be delivered. The additional measure of Council opting- in to the Act that sees the compulsory wearing of life jackets at high-risk fishing locations across the city presents as a key initiative that will assist in reducing the frequency of fatalities across the LGA.



OUR WOLLONGONG JOIN THE CONVERSATION



Rock Fishing Safety Engagement Report

August 2022

Table of Contents

| | |
|-------------------------|----|
| Table of Contents | 2 |
| Executive Summary | 3 |
| Background | 6 |
| Stakeholders | 7 |
| Methods | 7 |
| Results | 11 |
| Next steps | 27 |

The information in this report is based on data collected from community members who chose to be involved in engagement activities and therefore should not be considered representative.

This report is intended to provide a high-level analysis of the most prominent themes and issues. While it's not possible to include all the details of feedback we received, feedback that was relevant to the project has been provided to technical experts for review and consideration.

22907281 Rock Fishing Safety - Engagement Report August 2022

Executive Summary

Council has proposed to opt-in to the Rock Fishing Safety Act 2016. This proposal would see all rock platforms in the Wollongong Local Government Area (LGA) declared as high-risk rock fishing areas where fishers must wear a lifejacket or they could be issued a fine.

We asked the community to comment on the proposal to help inform Council's final decision on opting in.

Stakeholders, methods and results

Community engagement was undertaken from 24 June to 24 July 2022. The engagement aimed to determine the level of support for the proposal, discover local knowledge that may influence Council's decision and understand the social and economic impacts.

Emails were sent to more than 1,050 stakeholders during the engagement period including:

- Fishing organisations and clubs.
- Fishing businesses and industry.
- Emergency and rescue services and organisations.
- Local state and federal politicians, and relevant political parties.
- Government bodies and agencies and neighbouring local government area.
- Register of Interest groups (Sport and Safety).
- Neighbourhood forums.
- Internal reference groups.

A webpage was published on Council's engagement site, Our Wollongong. It hosted an online survey, provided background information, Frequently Asked Questions, a Q&A function and maps showing the areas proposed to be declared high-risk rock fishing areas. The project webpage was visited 427 times.

The engagement was promoted through a variety of methods. An advertisement was published in the Illawarra Mercury. Corflute signs were installed at key rock fishing sites. Flyers were distributed to 12 Council facilities and bait and tackle stores near Hill 60. The signage and flyers had QR codes linking to the project webpage and key information translated into Vietnamese, Simplified Chinese, Traditional Chinese, Korean and Arabic.

The engagement was also publicised via two media releases and three social media posts. This resulted in 12 media articles/stories by four media outlets.

The engagement received seven submissions from key agencies and organisations, 106 online survey responses, 10 emails, three phone enquiries, an in-person enquiry, and an in-person submission.

The survey participants varied in age from 18 to 85+ years. More than half of participants were aged from 35 to 59 years.

91.5% of participants said English is their first language and 8.5% said it wasn't.

Survey findings

69% of survey participants said they fish from rock platforms in the Wollongong Local Government Area (LGA). Of these people, 75% said they rock fish every few months or more. The most common reason they rock fish was for leisure, followed by sport and food.

22907281 Rock Fishing Safety - Engagement Report August 2022

The most common map zone participants fish within was zone 3 (City Beach to Windang), followed by Zone 2 (Thirroul to City Beach) and finally, Zone 1 (Otford to Thirroul).

Participants identified as living across 32 different post codes, the most common being 2519 (Balgownie, Fairy Meadow, Fernhill, Mount Ousley, Mount Pleasant). 10 of the 11 most common postcodes were in Wollongong LGA, with the exception being the second most common post code, 2528 (Barrack Heights, Barrack Point, Lake Illawarra, Mount Warrigal, Warilla, Windang) mostly located in the Shellharbour LGA.

Of the participants who rock fish, 91.8% of them said they knew where to get safety equipment but 60% said they either “never” or “rarely” wear a lifejacket.

Feedback themes

We asked participants what they wanted Council to consider before deciding to opt in. The responses to this question were analysed for their sentiment and scored as either supportive of Council’s proposal, neutral (or didn’t have any clear or obvious sentiment), or unsupportive. While we didn’t explicitly ask participants to express whether they supported Council’s proposal or not, most participants made it clear in their answers. The results were 33.7% supportive, 34.7% neutral (or didn’t have any sentiment), and 31.6% unsupportive.

The survey responses were also analysed for themes. A wide variety of minor themes were identified. Within these themes, participants expressed a broad spectrum of opinions. These themes and the key points that were expressed are summarised as follows:

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| Education | <p>This was the most common theme found in participant’s comments.</p> <ul style="list-style-type: none"> • Some rock fishers need further education to better understand the conditions and “read the ocean”. • Increased education rather than legislation. • Lifejackets are only part of the solution, with education being a key component to the solution. |
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Visitor education:

- Many rock fishers who fish in dangerous conditions or get themselves into danger are visitors to the area or unfamiliar with the rock platforms.
- Visitors need to be educated in the places where they live, rather than relying on being educated once they get to the water’s edge.

Education in other languages:

- Education needs to consider rock fishers who are culturally and linguistically diverse (CALD).
- Educate visitors using non-English media channels and community groups.

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| Enforcement | <p>This was the second most common theme in comments.</p> <ul style="list-style-type: none"> • Some expressed support for heavier penalties and increased surveillance. • Some acknowledge the difficulty in policing the legislation. • Some questioned the timing of when the enforcement would take place, and suggested it was a revenue raising exercise. |
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22907281 Rock Fishing Safety - Engagement Report August 2022

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| Economic impact | Some respondents want Council to consider the economic impact of mandating lifejackets, but from a variety of different standpoints: <ul style="list-style-type: none"> Consider the affordability of lifejackets in general. High cost of specialised lifejackets, or for a person who rock fishes infrequently, on top of a licence fee. Council's role in affordability. Cost of legislation being enforced and areas patrolled. Cost of rescue services, and opportunity cost if others miss out on rescue services. |
| Personal decision | Some respondents said that rock fishers should have the freedom to make their own decisions regarding safety equipment. |
| Less high risk areas | Some participants want Council to reconsider the locations proposed to be declared high risk rock fishing areas as they believe not all rock platforms are high risk. |
| Need safer alternative sites | Some participants expressed the need for more rock fishing sites that are safe and for old sites to be reopened. <ul style="list-style-type: none"> A greater variety of sites available used to be available (e.g the Pork Kembra northern breakwall and jetties 3, 4 and 6). New jetties or walls could be built to provide safer sites. |
| Signage | Signage was commonly suggested as either a complementary safety measure (needed in addition to lifejackets) or as a preferred safety measure. |

Several less-common themes were also identified, including:

- Hill 60
- Lives risked rescuing
- Lifejackets for other activities
- Lifejacket types
- Head injuries and helmets
- Wetsuits and safety equipment
- Swimming ability
- Impact on ability to dive under waves
- False sense of security

Many one-off ideas for improving rock fishing safety were also shared by respondents, and are summarised in the report.

Other submission types

One verbal submission was received and was supportive of the proposal.

Seven emails were received: four expressed support for the proposal and three did not.

Seven submissions were received from organisations and agencies. Submissions of support were received from Lake Illawarra and Wollongong Police Districts, Crown Lands, Paul Scully MP, and Surf Life Saving Illawarra. Submissions with varying concerns were received from Wollongong Sportfishing Club, Australian National Sport Fishing Association, and Recreational Fishing Alliance of NSW.

Next Steps

The feedback received from this engagement will be reported to Council to help inform their decision on opting into the Rock Fishing Safety Act.

22907281 Rock Fishing Safety - Engagement Report August 2022

Background

Rock fishing continues to be one of Australia's highest-risk sports and recreational pastimes.

Since January 2021, six rock fishers have lost their lives at the rock platform known as Honeycomb Rocks at Port Kembla.

Following the tragic events of 2021, Council has actively engaged with key stakeholders to implement strategies to reduce the likelihood of rock fishing tragedies occurring within the Wollongong Local Government Area (LGA). Council also researched the best available mitigation strategies to reduce harm. This research confirmed that rock fishing safety needs to be pursued through a holistic multi-agency approach with a focus on education, engagement, communication, equipment, and enforcement.

Following the most recent rock fishing tragedy on 25 April 2022 at Honeycomb Rocks, NSW Police (Lake Illawarra District) and Marine Rescue requested that Council give further consideration of opting-in to the Rock Fishing Safety Act 2016. Opting into this legislation would make wearing a lifejacket a legal requirement while rock fishing in Wollongong LGA.

A report to Council was considered at its meeting on 23 May 2022 - [Item 2 - Rock Fishing Safety Act 2016 - Opt-In Legislation](#) where it was resolved unanimously that:

1. Council pursue stakeholder and community engagement for 28 days on Council's proposal to opt-in to the Rock Fishing Safety Act 2016, which would see areas within Wollongong LGA declared as high-risk rock fishing locations.
2. A subsequent report come forward to Council with the outcome of this engagement, with a view to have Council resolve to request the Minister for Local Government to make a declaration under the Rock Fishing Safety Act 2016 that the Wollongong LGA is an area where high-risk rock fishing takes place.
3. The report also investigate a range of options that may include, but not be limited to, short-term hire or loan of lifejackets so no one is disadvantaged by the introduction of this regulation. Further, that funding options to provide this, including funds from the Recreational Fishing Trust and the Port Kembla Community Investment Fund, be examined.
4. For the purposes of the above declaration, the high-risk rock fishing locations within the Wollongong LGA are those described and identified on the map attached to the Council report.

This engagement report is in response to points 1 and 2 of the resolution.

Community engagement was undertaken from 24 June to 24 July 2022.

The primarily purpose of the engagement was to:

- Determine the level of support for the proposal.
- Discover local knowledge that may influence Council's decision.
- Understand the social and economic impacts.

The secondary purpose of the engagement was to:

- Raise awareness of the hazards and dangers of rock fishing.
- Understand the reasons for reluctance to lifejackets.
- Gauge the reasons why people rock fish.
- Gather ideas on the most effective ways to change risk-taking behaviour.

22907281 Rock Fishing Safety - Engagement Report August 2022

Stakeholders

Stakeholders identified prior to the start of the engagement period included:



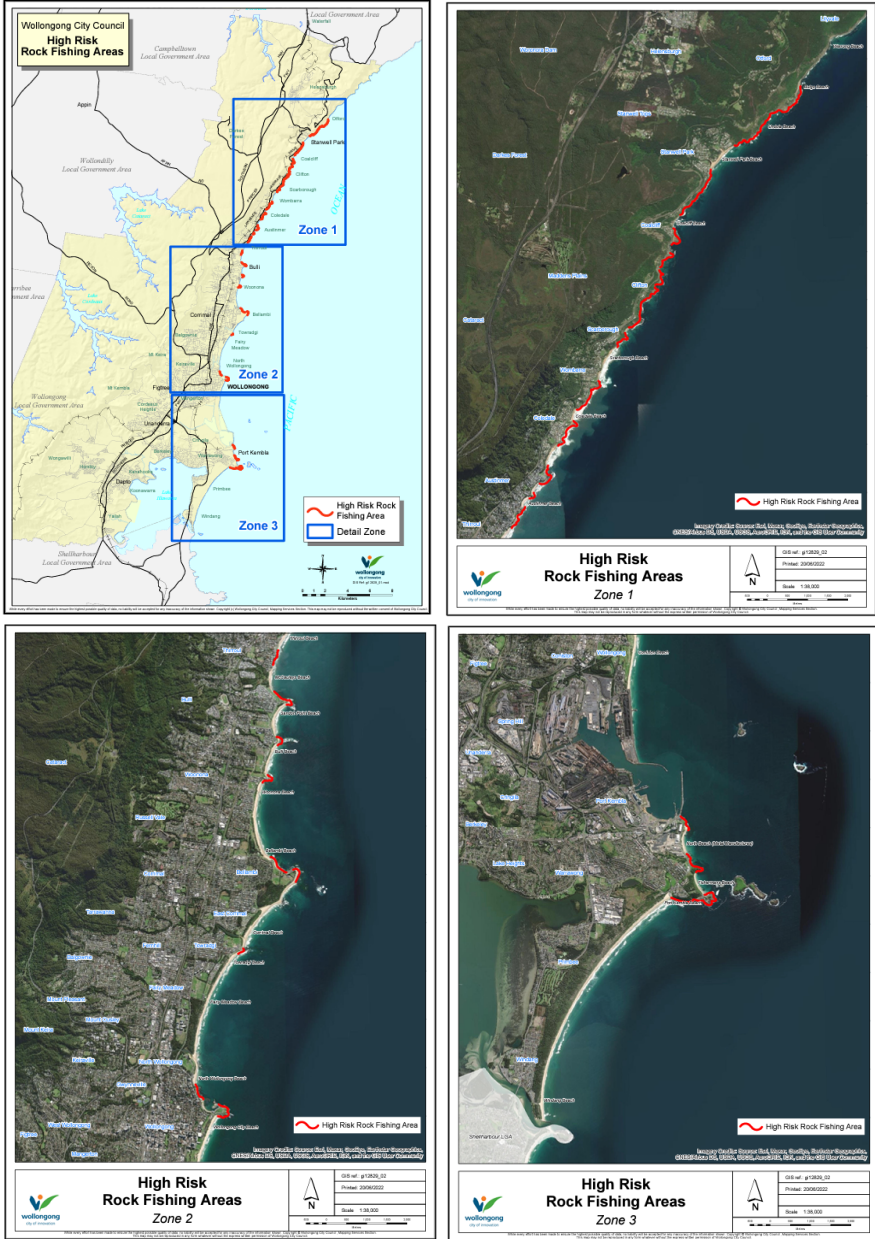
Methods

Our Methods

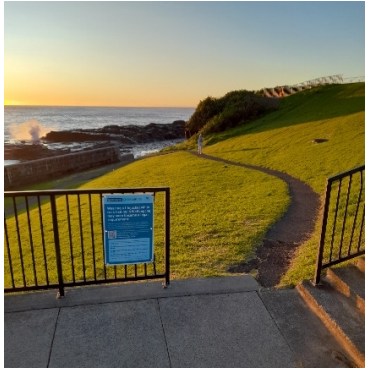

Table 1: Details of Communication and Engagement Methods

| Methods | Details of Methods |
|----------------------------------|--|
| Communication Methods | |
| Email to key stakeholders | An email was sent to more than 40 key stakeholders identified through an analysis process. |
| Register of Interest | An email was sent to participants registered on the Our Wollongong website with an interest in: <ul style="list-style-type: none"> Safety - sent to 977 participants Sport - sent to 31 participants |
| Frequently Asked Questions (FAQ) | Responses to likely questions about the proposal were published on the project webpage. |
| Maps | Maps showing the locations proposed to be declared high-risk rock fishing areas across the LGA were produced and published on the project webpage. |

22907281 Rock Fishing Safety - Engagement Report August 2022

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| Our Wollongong website | <p>The project webpage hosted background information, supporting documents and:</p> <ul style="list-style-type: none"> • Frequently Asked Questions • Maps • Q&A forum • Online survey |

22907281 Rock Fishing Safety - Engagement Report August 2022

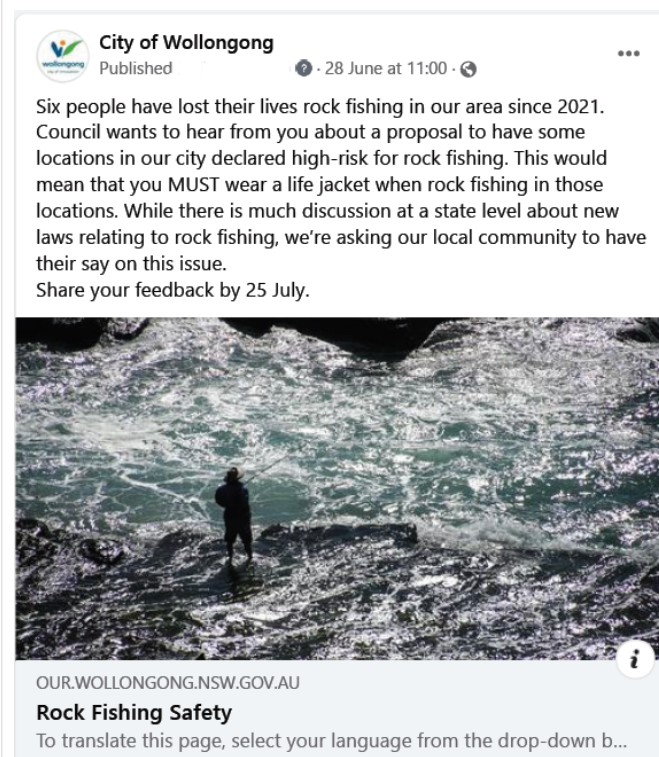
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|------------------------------------|--|
| Illawarra Mercury Community Update | A notice was published on the Council page in the 6 July 2022 edition of the Illawarra Mercury Community Update to promote the engagement. |
| Corflute signs | <p>Corflute signs with a QR code linking to the Our Wollongong project webpage were produced. They included key information in Vietnamese, Simplified Chinese, Traditional Chinese, Korean and Arabic. They were installed in key locations at:</p> <ul style="list-style-type: none"> • Hill 60 • Flagstaff Hill • Leeder Park, Coalcliff • Coalcliff Rock Pool • Sea Cliff Bridge  |
| Flyers | <p>DL-sized flyers with key information in Vietnamese, Simplified Chinese, Traditional Chinese, Korean and Arabic were produced and distributed to:</p> <ul style="list-style-type: none"> • All Wollongong City Library branches (Helensburgh, Thirroul, Corrimal, Wollongong, Warrawong, Unanderra, and Dapto) • Corrimal Community Centre • Dapto Ribbonwood Centre • Corrimal Pool • Continental Pool • Dapto Pool • Fergo's Tackle World, Warrawong • Windang Bait & Tackle • Compleat Angler Illawarra, Windang • BCF (Boating Camping Fishing), Warrawong |
| Media release | Two media releases about the proposal and engagement were distributed on 23 May 2022 and 27 June 2022 . |
| Social media | <p>A Twitter post about the Council resolution was published on 23 May 2022:</p>  |

22907281 Rock Fishing Safety - Engagement Report August 2022

A Twitter post about the engagement was published on [27 June 2022](#):



A Facebook post promoting the engagement was published on [28 June 2022](#):



Engagement Methods

| | |
|-------------------------------|--|
| <p>Our Wollongong website</p> | <p>An online survey was used to capture participants' comments.</p> <p>An online Q&A forum was provided for participants to ask questions about the proposal.</p> <p>FAQs were provided in anticipation of question people may have.</p> |
|-------------------------------|--|

22907281 Rock Fishing Safety - Engagement Report August 2022

| | |
|---------------------|--|
| Phone calls | A summary of open feedback was noted during phone conversations. |
| Email | People emailed in open written submissions. |
| Stakeholder meeting | A summary of open feedback was noted in meeting minutes. |

Results

All stakeholders and the wider community were invited to provide feedback on Rock Fishing Safety.

Media

The proposal and exhibition were well publicised by a variety of news outlets. The following table summarised the news stories published or broadcast following the Council resolution and during the public exhibition period.

Table 2: Media Coverage

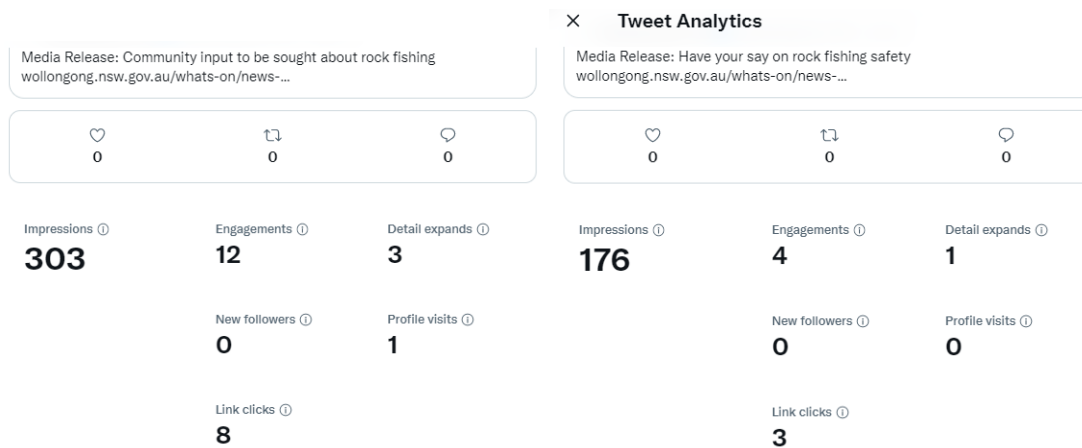
| Date | Media Outlet | Headline/description |
|---------|-------------------|---|
| 24 May | Daily Telegraph | 'Time for us to act': Wollongong Council step toward rock fishing lifejacket rule |
| 25 May | i98FM Illawarra | Host chat - Lifejackets - Council resolution News headline - Lifejackets |
| 26 May | Illawarra Mercury | Council acts on fishers' lifejackets |
| 3 June | ABC Illawarra | NSW rock fishers risk their lives at Honeycomb Rocks, one of Australia's deadliest angling spots |
| 10 June | Illawarra Mercury | Anglers 'wanted wetsuits' |
| 30 June | Illawarra Mercury | Feedback sought on mandatory lifejackets |
| 7 July | Illawarra Mercury | Have your say on rock fishing safety in the Illawarra |
| 13 July | Illawarra Mercury | Lifejacket rule would apply to every rock shelf for 60km |
| 14 July | ABC Illawarra | Host chat - discussion of news headlines - Lifejackets for rock fishing |
| 15 July | Illawarra Mercury | Rock fishing funding 'the one that got away' says Wollongong MP |
| 16 July | Illawarra Mercury | A push for lifejackets at Kiama |
| 19 July | ABC Illawarra | Story discussed during Breakfast with Melinda James News headline – Making lifejackets mandatory |

22907281 Rock Fishing Safety - Engagement Report August 2022

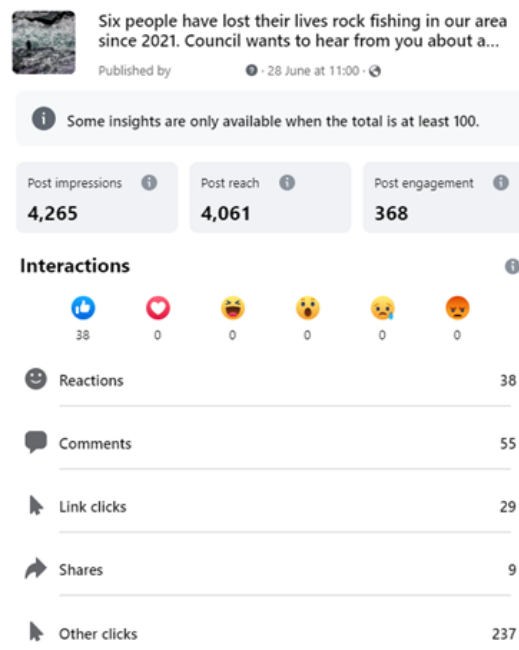
Social media

The Twitter post about the Council resolution published on 23 May 2022 received 303 impressions, 12 engagement and 8 link clicks.

The Twitter post about the engagement published on 27 June 2022 received 176 impressions, 4 engagement and 3 link clicks:



The Facebook post promoting the engagement published on 28 June 2022 received 4,265 impressions, 368 engagements, 55 comments and 29 link clicks.



Some stakeholders promoted the public exhibition via their social media pages or to their email networks.

22907281 Rock Fishing Safety - Engagement Report August 2022

Webpage traffic

The webpage was visited 427 times.

The maps showing the locations proposed to be declared high-risk rock fishing areas were downloaded 70 times.

The FAQs were viewed 32 times.

The QR code on the corflute signs was scanned 9 times, by 8 users, viewed in 15 sessions.

The QR code on the flyers was scanned 6 times, by 5 users, viewed in 7 sessions.

Engagement Participation

This section provides details on the participation in engagement activities and feedback received during the exhibition period. Details of the number of participants for each engagement activity are presented in Table 2.

Table 3: Participation in Engagement Activities

| Engagement Activities | Participation |
|---|---------------|
| Phone Calls | 3 |
| Emails | 10 |
| In-person enquiry | 1 |
| In-person submission | 1 |
| Online Participation | |
| Aware – Total number of people who viewed the project webpage. | 382 |
| Informed – Total number of people who clicked a hyperlink, e.g., to download the draft plans. | 200 |
| Engaged – Total number of people who actively contributed to the project, e.g., by submitting comments via the survey or posting a question to the Q&A. | 106 |

We heard from many highly experienced and knowledgeable rock fishers, as well as plenty of community members who care about the lives of rock fishers. We heard from several people who had experienced the loss of a fisher, or had been involved in responding to a rock fishing incident.

Many participants took considerable time to convey the complexities of rock fishing safety and the factors involved in making it a safer activity.

Submission results

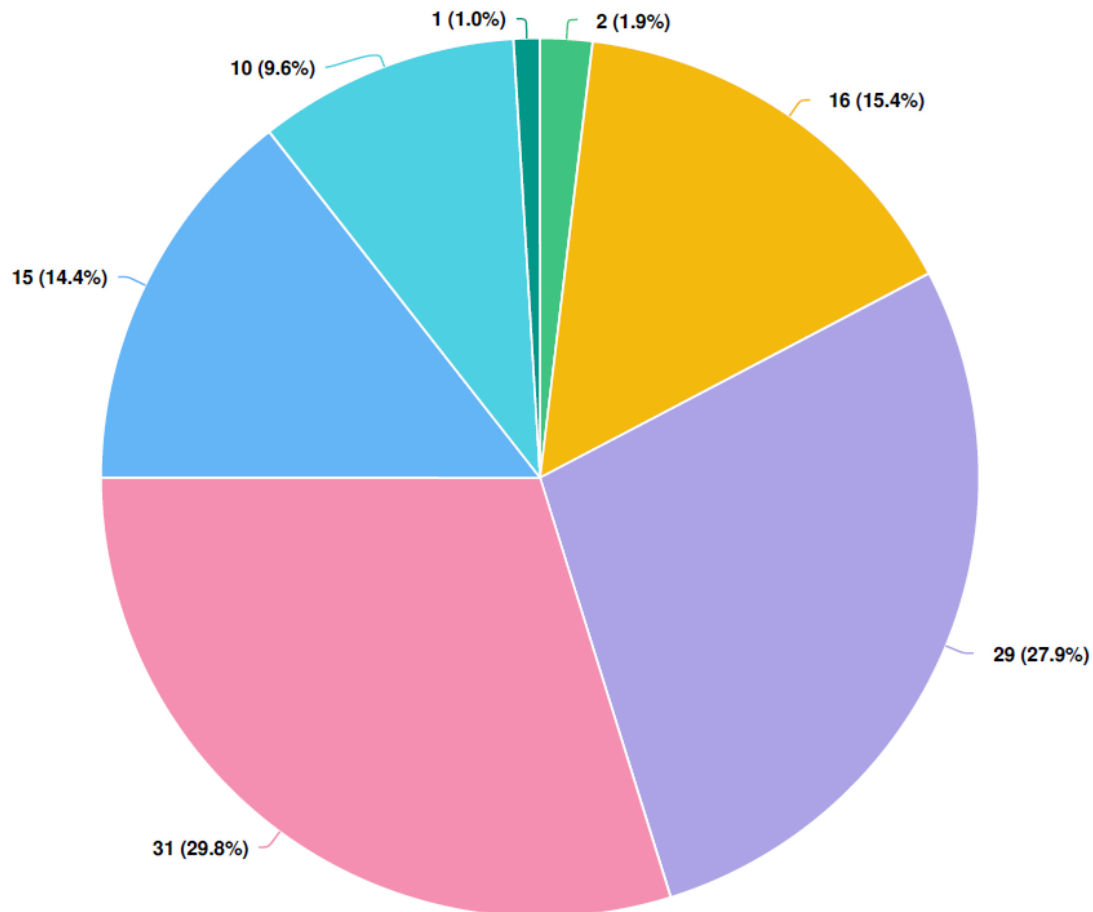
Survey

106 people participated in the online survey.

22907281 Rock Fishing Safety - Engagement Report August 2022

Age profile

Survey participants varied in age from 18 to 85+ years. The most common age category was 50-59 years, closely followed by 35-49 years. 58% of participants were in these age categories.



Question options

18 to 24 years 25 to 34 years 35 to 49 years 50 to 59 years 60 to 69 years 70 to 84 years
 85 years or more

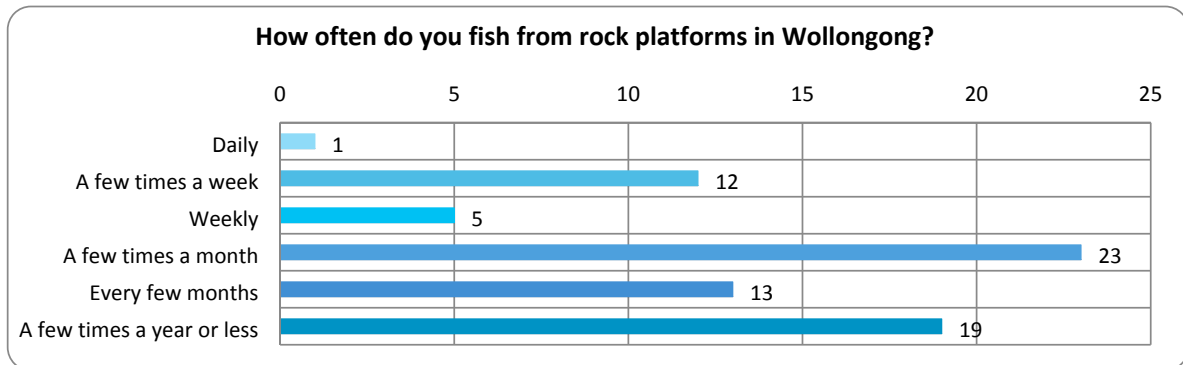
Language

91.5% of participants said English was their first language and 8.5% said it was not. All participants chose to answer this question.

Rock fishing behaviour

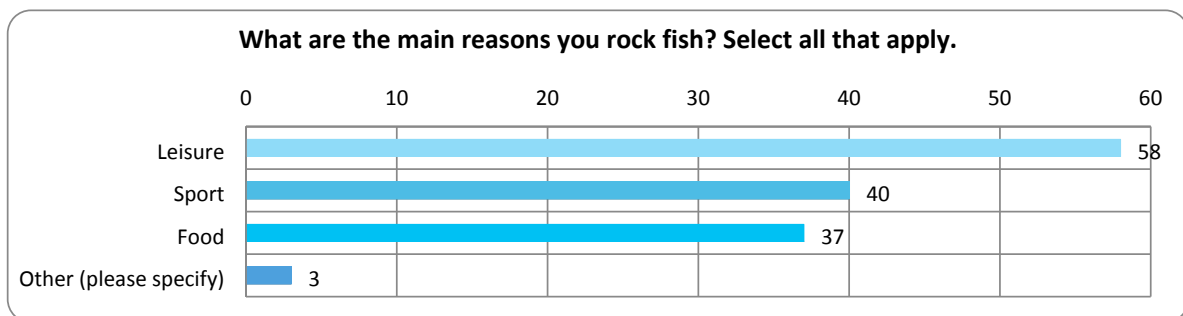
Of the 106 survey participants, 73 of them (69%) said they fish from rock platforms in the Wollongong Local Government Area. Almost three-quarters of these people said they rock fish every few months or more frequently.

22907281 Rock Fishing Safety - Engagement Report August 2022



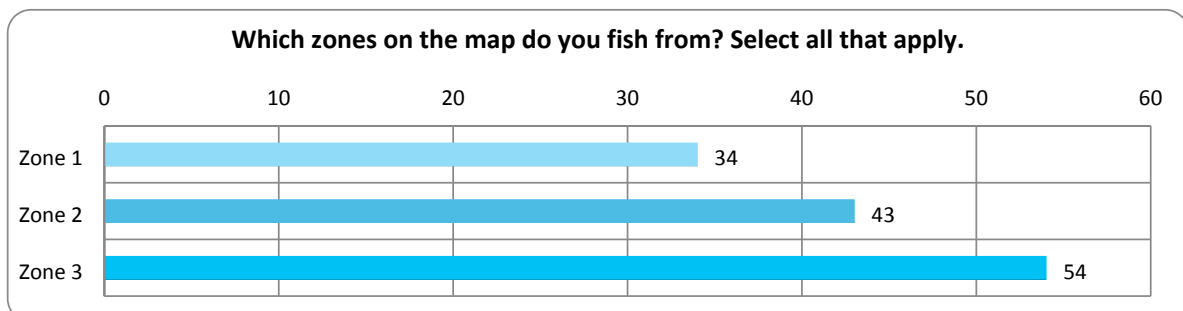
Reasons for rock fishing

The most common reason for rock fishing was leisure, followed by sport and food. Three other reasons were given - these were competition, relaxation and meditation.



Zones where participants fish

The most common [map zone](#) participants fish within was zone 3 (the southern coastal area from City Beach to Windang). This was followed by Zone 2 (the central coastal area from Thirroul to City Beach) and finally, Zone 1 (the northern coastal area from Otford to Thirroul).



Post code

Participants identified as living across 32 different post codes.

The most common post codes were:

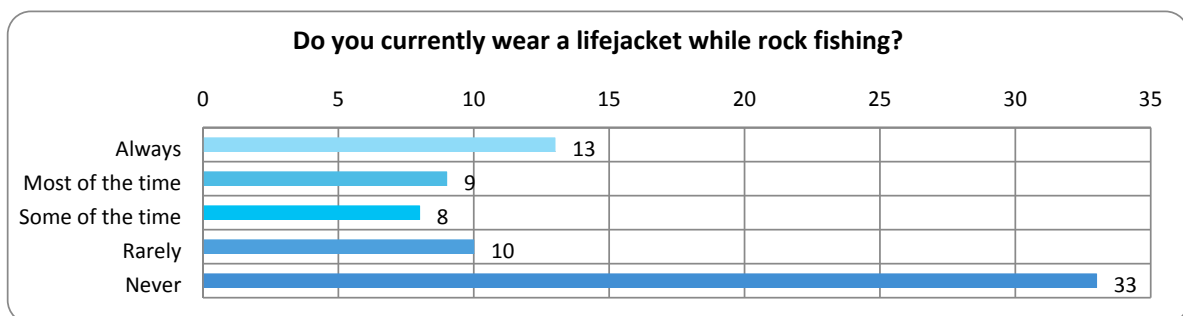
22907281 Rock Fishing Safety - Engagement Report August 2022

| Participants | Postcode | Suburbs |
|--------------|----------|---|
| 10% | 2519 | Balgownie, Fairy Meadow, Fernhill, Mount Ousley, Mount Pleasant |
| 9.5% | 2528 | Barrack Heights, Barrack Point, Lake Illawarra, Mount Warrigal, Warilla, Windang |
| 9.5% | 2517 | Russell Vale, Woonona, Woonona East |
| 9.5% | 2518 | Bellambi, Corrimal, Corrimal East, East Corrimal, Tarrawanna, Towradgi |
| 8.5% | 2500 | Coniston, Gwynneville, Keiraville, Mangerton, Mount Keira, Mount Saint Thomas, North Wollongong, Spring Hill, West Wollongong, Wollongong, Wollongong DC, Wollongong West |
| 7.5% | 2530 | Avondale, Brownsville, Cleveland, Dapto, Dombarton, Haywards Bay, Horsley, Huntley, Kanahooka, Koonawarra, Marshall Mount, Wongawilli, Yallah |
| 5% | 2508 | Coalcliff, Darkes Forest, Helensburgh, Lilyvale, Maddens Plains, Otford, Stanwell Park, Stanwell Tops, Woronora Dam |
| 5% | 2525 | Figtree |
| 4% | 2515 | Austinmer, Clifton, Coledale, Scarborough, Thirroul, Wombarra |
| 4% | 2502 | Cringila, Lake Heights, Primbee, Warrawong |
| 4% | 2505 | Port Kembla |

23% of the participants were from 20 other postcodes.

Lifejacket use

Of the 73 survey participants who rock fish, 43 of them said they either “never” or “rarely” wear a lifejacket, and 19 of them said they wear one either “always” or “most of the time”.

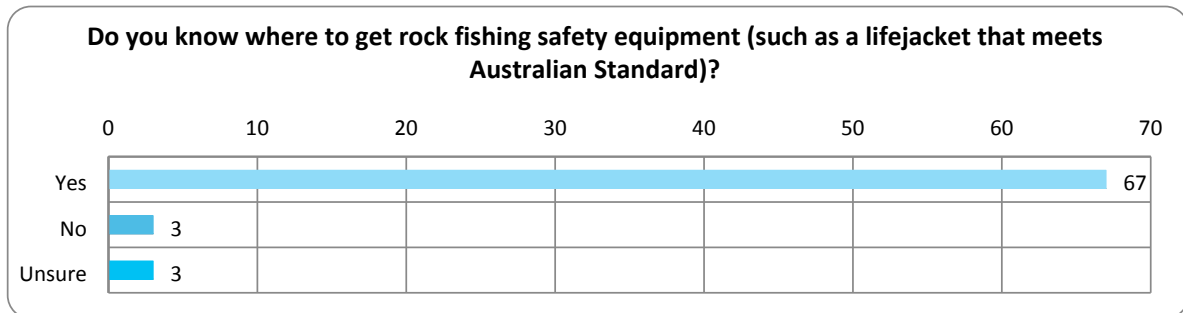


Sourcing safety equipment

Participants who rock fish were asked: “Do you know where to get rock fishing safety equipment (such as a lifejacket that meets Australian Standard)?”. Of the 73 survey participants who rock fish, 67 said “yes”, 3 said “no”, and 3 were “unsure”.

All 9 of the participants who said English is not their first language said they know where to source safety equipment.

22907281 Rock Fishing Safety - Engagement Report August 2022



Sentiment

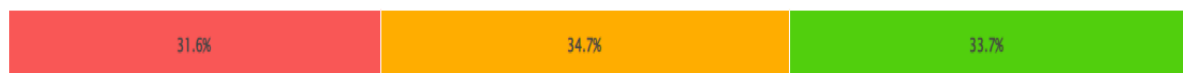
Survey participants were asked the following primary question: “Wollongong City Council is proposing to opt into legislation that would make it a legal requirement for rock fishers to wear a lifejacket while fishing from rock platforms in Wollongong. What would you like Council to consider before making this decision?”.

We received 95 responses to this question.

The responses to this question were analysed for their sentiment and scored as either supportive of Council’s proposal, neutral (or didn’t have any clear or obvious sentiment), or unsupportive. While we didn’t explicitly ask participants to express whether they supported Council’s proposal or not, most participants made it clear in their answers.

The results were:

- 33.7% supportive
- 34.7% neutral
- 31.6% unsupportive



Themes

In addition to the primary question, participants were asked at the end of the survey if they wished to make and further comments. All comments were analysed together.

A wide variety of minor themes were identified in the responses, and within these themes, participants expressed a broad spectrum of opinions.

Some participants had opposing opinions on topics or opposing ideas or solution to the same issue. For example, one participant suggested we ask the police and ambulance services for their input instead of rock fishers, while another participant suggested we should talk to fishing organisations instead of rescue authorities. One participant said mandating lifejackets for rock fishers may contribute to a worse outcome (including death), while many others said mandating lifejackets will save lives.

Many acknowledged that *something* should be done but expressed diverse ideas on *what* should be done to improve the situation.

A summary of the feedback received, and issues raised in all submissions is presented under the following feedback themes:

22907281 Rock Fishing Safety - Engagement Report August 2022

Education

Rock fisher education was the most common theme found in participant's comments.

Participants commonly expressed that many rock fishers need further education to better understand the conditions and "read the ocean". Suggestions included education about weather, understanding the ocean, tides and swell, water safety, swimming, and safety equipment.

Some participants would prefer to see increased education rather than legislation. Others suggested lifejackets are only part of the solution, with education being a key component to the solution.

It was suggested that:

- In lower-risk rock fishing sites, education would be a more suitable tool for keeping people safe than lifejackets.
- People think they don't need to be educated if they wear a lifejacket.
- Some of the money from fines could fund education.

I am not necessarily against lifejackets being mandatory for rock fishing (I do usually wear one myself these days) I just hope that any such decision is made in consultation with those in the sport, as you are doing here. So I commend you for that.

Visitor education

Some participants expressed that the rock fishers who fish in dangerous conditions or get themselves into danger are either all or mostly visitors to the area or are otherwise unfamiliar with the rock platforms.

Several comments suggested that visitors need to be educated in the places where they live, rather than relying on being educated once they get to the water's edge. It was suggested that for education to be effective, their home communities must take some of the responsibility. Others suggested a generous budget to alert and educate visitors using non-English media channels and community groups.

Education in other languages

Some participants specifically stated that education needed to consider rock fishers who are culturally and linguistically diverse (CALD). It was suggested that these rock fishers will need multi-lingual community engagement strategies, and our local signage should continue to present information in multiple languages.

Enforcement

Enforcement was the second most common theme in comments. Some participants expressed support for heavier penalties and increased surveillance. Others acknowledge the difficulty in policing the legislation. One respondent suggested a "neighbourhood watch" system to assist with compliance, another suggested CCTV be installed to monitor compliance and assist with enforcement.

In contrast, some questioned the timing of when the enforcement would take place, and if not in dangerous conditions, it was suggested the enforcement may be heavy handed, be used to raise revenue, and a short-sighted approach to the issue.

Another wanted Council to consider whether those responsible for enforcing the legislation would have the right equipment and expertise to be on rock platforms.

Economic impact

Some respondents want Council to consider the economic impact of mandating lifejackets, but from a variety of different standpoints.

The following points were raised for consideration:

- Affordability of lifejackets:
 - High cost of lifejackets, especially with the cost-of-living pressures and impact of Covid.
 - The high cost of specialised automatic Personal Flotation Devices (PFDs).
 - High cost for a person who only rock fishes a few times a year, on top of a licence fee.
 - Lifejackets are not expensive considering many people spend a lot more money on their fishing equipment.
- Council's role in affordability:
 - Council should pay for lifejackets.
 - If Council could make lifejackets more affordable perhaps more people would wear them.
- Cost of enforcement:
 - The cost for Police to enforce the legislation.
 - The cost of having the areas patrolled.
- Cost of rescue services:
 - The cost of rescue services.
 - The cost of others missing out on rescue services because they're engaged in rescuing rock fishers.
 - The cost of body retrieval.

I would like the council to consider the economic costs not only to have these areas patrolled but also to the fishermen that would be required to purchase [lifejackets].

Personal decision

Some respondents expressed the view that rock fishers should have the freedom to make their own decisions regarding what type of safety equipment they use and when.

Some respondents said safety is a personal responsibility and it's up to the fisher to check the conditions and know when it isn't safe to fish. Several of these people said they would prefer to see other measures taken instead (signage, education, etc).

The decision to wear a lifejacket (or the type of lifejacket) should be left to the individual's own personal risk assessment based on the conditions, their experience and swimming ability.

Less high-risk areas

Some participants want Council to reconsider the areas proposed to be declared high risk rock fishing areas (where lifejackets would be a legal requirement). These respondents claimed that not all rock platforms are high risk, and want Council to only include the most dangerous ones in the declaration.

Some participants suggested that Council should consider the risk profile or merits of each location before making the determination. One participant said that data should dictate the action taken, rather than there being a blanket rule.

The declaration of every single rock shelf in the area as high risk is unnecessarily heavy-handed.

Signage

Signage was commonly suggested as either a complementary safety measure (needed in addition to lifejackets) or as a preferred safety measure.

22907281 Rock Fishing Safety - Engagement Report August 2022

Comments about signage included suggestions for signs to:

- Be more prevalent.
- Be easy to read.
- Be printed and visual.
- Be in multiple languages.
- Warn of high swells.
- Warn of the risks.
- Include a message to report non-compliant rock fishers to Police.
- Display statistics on rock fishers' deaths and injuries in specific locations.
- Educate rock fishers on safety equipment.

I would prefer to see signs, awareness and education over legislation.

Need for safer, alternative sites

Some participants expressed the need for more rock fishing sites that are safer than those currently available and for old sites to be reopened. It was expressed that there used to be a greater variety of rock fishing sites available, but for various reasons, these are no longer available. The Port Kembla northern breakwall and jetties 3, 4 and 6 were provided as examples. These participants said in adverse weather conditions, these sites were a lot safer, but with them currently unavailable, people fish from the remaining sites in adverse conditions.

Some participants suggested that new jetties or walls could be built to provide safer sites.

Can the Northern Breakwater at Port Kembla be reopened? I have fished it for 45 years. It can accommodate a large number of fishermen and is far safer than Hill 60. To my knowledge, no deaths have occurred there. I now fish Hill 60, as the Northern Breakwater is closed.

Hill 60

Some participants spoke of Hill 60 or Honeycomb Rock specifically. The following provides a summary of the points made about the site:

- It is unpredictable and dangerous on any sea.
- Hill 60 is notorious within our community for erratic conditions.
- A special marine habitat area needs to be established and rock fishing banned within that area.
- Fishing should be banned from the rock platform.
- Need more awareness of conditions at this site.
- It is a significant risk and accounts for nearly all the deaths and other issues.
- If the northern breakwall was open, people wouldn't have to fish Hill 60 in a southerly swell.
- It is not necessarily more dangerous than any other sites. The problem is the ease of access which makes it popular, and that water comes over the rocks less regularly in deep water fishing spots, so the danger is not as obvious. There is a lack of understanding that an unbroken "green" wave is still full of energy and can be just as dangerous as a broken wave.
- A significant amount of rock fishers at this site don't wear lifejackets.
- This site would benefit from mandating lifejackets.

Consider lives risked rescuing

Some participants want Council to consider the lives that are risked rescuing rock fishers. The sentiment of these participants' comments is supportive of Council's proposal.

Some participants said lifejackets should be mandatory as they can assist rescuers in any potential rescue efforts. Several said too many people are being put at risk in rescue efforts.

22907281 Rock Fishing Safety - Engagement Report August 2022

Lifejackets for other activities

Some participants raised that it is unfair that other users of the locations proposed to be declared high-risk rocking fishing areas wouldn't have to wear lifejackets, for example rock hoppers, walkers, kids playing near rock pools and snorkellers.

I am happy to wear a lifejacket in high risk areas, but I would like to be able to have a choice when (safely) spending an afternoon on a rocky headland on a low swell day where we may throw in a line for everyone to have a go after having been for a snorkel around those same rocks (without a lifejacket).

Lifejacket types

Some participants made comments about lifejacket types from a variety of different standpoints.

The following provides a summary of the points made:

- The type of lifejacket should be determined by individuals based on their own needs, abilities, and experience.
- Different types and levels of lifejackets have advantages and disadvantages once you are in the water.
- Manual inflatable lifejackets:
 - Must be activated by the wearer once they are in the water, if they sustain a head injury and are unconscious or have sustained any other serious injury which effects their ability to activate the jacket, the jacket is useless.
 - Few people have the composure and ability to inflate them after the initial impact.
- Automatic PDFs that inflate when enough water hits it would be very expensive for rock fishers.
- A collared lifejacket:
 - May keep your face out of the water if you are a poor swimmer or rendered unconscious. A collar-less jacket will not.

Head injuries and helmets

Several participants raised head injuries and helmets as matters for consideration. The following provides a summary of points raised:

- Lifejackets don't stop fishers from getting head injuries or being knocked unconscious and drowning.
- If a fisher is wearing a manual inflatable lifejacket and hits their head, the lifejacket won't save them.
- Rock fishers should consider wearing a safety helmet to protect against head injuries on impact or if pushed against the rocks once in the water.
- Consider making helmets compulsory.

Wetsuits and safety equipment

Several participants raised wetsuit and safety equipment as matters for consideration. The following provides a summary of points raised:

- There have been cases and there will be more where a lifejacket hinders a fisher's self-extraction from the ocean and different safety gear is far more important.
- Consider the wearing of a wetsuit (instead of a lifejacket) as being compliant.
- Council should wait until the legislation is amended to include wetsuits as an alternative to a lifejacket.
- Consider other alternatives or forms of floatation not just lifejackets.
- Consider investigating the effectiveness of cleated footwear, and if found to be effective, put signage near popular rocks informing people that cleats exist and that they can stop you getting hurt. Cleats are more effective at preventing harm than lifejackets.

22907281 Rock Fishing Safety - Engagement Report August 2022

Swimming ability

Several participants raised swimming ability as a matter for consideration. The following provides a summary of points raised:

- Swimming ability should be a key factor in the decision to wear a lifejacket and the type of lifejacket.
- Lifejackets should be compulsory for anyone who can't swim.
- One of the main problems is that people who can't swim go rock fishing.
- People who can't swim shouldn't go rock fishing.
- Poor swimmers need to wear lifejackets with a collar so their face will be kept upright out of the water.

Impact on ability to dive under waves

Several participants expressed concern that once in the water, some lifejackets can negatively impact a person's ability to dive under waves and/or to swim out of the danger zone. This feedback is summarised as follows:

- If a person ends up in the water, they usually need to clear any breaking waves to be able to swim out to safety. Inflated lifejackets make this a lot harder, due to the additional buoyancy of the lifejacket.
- The ability to float can make the situation more dangerous as the breaking waves can push a person against the rocks, which may cause further harm.
- Even strong swimmers can be impeded by inflated lifejackets when diving under waves.

False sense of security

Several participants expressed that they believe lifejackets can provide wearers with a false sense of security and that this can:

- Cause fishers to take further risks.
- Make fishers think they don't need to be educated on safety.
- Give inexperienced anglers a false impression that because they are wearing a lifejacket it is safe to fish, regardless of the conditions.

Ideas to improve safety

Some respondents shared their ideas for improving rock fishing safety. Ideas included:

- Linking the law to the weather conditions. For example, if there is a weather warning of hazardous surf conditions that makes rock fishing dangerous, then you are required to wear a lifejacket.
- Making lifejackets a legal requirement in adverse weather conditions only.
- A "white card" type system or a one-day course to educate people of the dangers.
- Fines issued could be partly donated to rescue services, fund education or used to develop an app that indicates whether it's safe to fish.
- Install cameras at the carparks to monitor lifejacket use. If people are detected not wearing lifejackets a buzzer goes off and deploys a message to enforcement agencies, who can then issue fines.
- An anchor system could be created for fishers to attach a safety strap to. This would prevent them being washed into surf.
- Anyone requiring rescuing should pay for the rescue service.
- Police phone numbers be added to signs with a message to call if you see someone fishing without a lifejacket.
- Displaying statistics on rock fishers' deaths and injuries.
- Make lifejackets compulsory only if you live further than 30km from the coast.
- A buy-back scheme for old lifejackets.

22907281 Rock Fishing Safety - Engagement Report August 2022

- Work with other councils and community organisations to promote awareness and education in culturally diverse communities who travel to the Illawarra to fish. Also, work with fisheries and the police etc, to go out and speak with the rock fishers to warn, educate and if necessary, penalise. Education through non-English radio stations and newspapers, through religious groups and via social media channels used by the CALD community.

Other submission types

In-person submission

A verbal submission was received from the owner of a fishing shop who made the following points:

- Very supportive of the proposal due to having known fishers who have lost their lives. The participant spoke of their firsthand experience of the impact the tragedy has had on the local community and fishing fraternity.
- They don't rock fish because of the dangers and because their family isn't supportive of it.
- They get lots of customers come into the shop and ask about good locations, but they rarely suggest Honeycomb Rocks because of how dangerous it is, especially to visitors or newcomers to the sport who don't know how to read the local conditions.
- Suggested that lifejackets should be a solid foam type to protect against being ruptured, and to provide a bit of protection for the head.
- Proposed that behaviour change could be incentivised – e.g, fishers get a discount on purchasing a lifejacket through the renewal of their fishing licence. This would also help reduce the economic barrier.
- Offered to be involved further in any way that may assist.

Email submissions

Four emails were received in support of the proposal. All the points raised in these emails have already been covered in the above themes.

Three emails were received that did not express support. Following is a high-level summary of the key points made by each participant:

Participant 1:

- Enforcing lifejackets has too many variables legally; it would compound the workload of enforcement services and put pressure on the courts, and most would still not comply.
- Lifejackets are too simple a solution for what is a complex problem.
- Proposed a balustrading system to prevent fishers being taken out to sea.

Participant 2:

- The engagement should be delayed or extended until the proposed amendments to the Rock Fishing Safety Act are finalised through the NSW parliament.
- Council should meet with the Recreational Fishing Alliance to get perspective from experienced, safety-conscious rock fishers, as rescue groups will only come up with the one solution - "wear a lifejacket". This makes sense to the majority of the public, but not to many experienced rock fishers.
- Described their extensive rock fishing experience and the way they approach safety. Wearing any form of approved lifejacket would impede their ability to swim freely and duck-dive oncoming waves, and therefore be unsafe.
- Provided historic photo from 1969 of fishing champions wearing the same safety equipment (footwear and light clothing) that is recommended for the sport today, but without lifejackets. Safety gear is far more important than an L50 lifejacket.

22907281 Rock Fishing Safety - Engagement Report August 2022

- Education and safety awareness should be the main tool to solve the fatality rate of rock fishers. Opting into the Safety Act is an easy out. Councils need to work more closely with rock fishers to understand the issue to solve it.
- Rock fishers should have greater access to free technology to assist them in making safe decisions, like the bar cams provided free by the State Government through Marine Rescue. Currently, they must pay a private company to access real-time wave conditions. Many of the cameras used by these companies are located on Surf Lifesaving properties, built in part by public money.
- A series of inshore buoys would be an extremely beneficial safety tool for rock fishers to be able to check conditions.

Participant 3:

- Advocated for wetsuits to be included as an alternative for lifejackets in the Rock Fishing Safety Act.
- Provided a copy of their submission to Randwick City Council on the same matter. Their submission made the following points:
 - The legislation is blunt and doesn't mention correct footwear nor acknowledges that you can't dive under waves wearing a lifejacket.
 - Participated in the Recreational Fishing Alliance program ["Don't put your life on the line"](#) where they worked with Government agencies as a volunteer to produce videos and multi-language information packs advising on safe rock fishing.
 - Wants the legislation modified to match the safety advice given in the video (which was produced with Government funding) so it reads: "Rock fishers must wear either a lifejacket, a life vest or a wetsuit and appropriate footwear being rock cleats or rock spikes on sandstone and slippery rocks or lightweight, stout-soled boots on granite."
 - Until the Act is amended, they intend to not comply, and if fined, will take it to Court. This is because they believe a wetsuit is as effective in floatation as a lifejacket but has the following advantages over a lifejacket:
 - You can dive under waves and swim in a wetsuit.
 - It will protect you from cuts to a very large degree.
 - It will stop you getting hypothermia.
 - It will prevent you from being sunburnt in the steamer version.
 - People sharing the rocks are not subject to being fined even if they are in the exact same location.
 - Questioned whether the Act is constitutional.

Submissions from organisations and agencies

We received seven submissions from organisations and agencies. The full submissions have been provided to the project team for consideration. Following is a high-level summary of each:

Crown Lands:

- Supportive of Council's proposal.
- Many of the rock platforms identified as high risk are Crown land, managed either by Council or Crown Lands directly.
- Work with the Australian National Sportfishing Association on placement by ANSA of 'Angel Rings' on high risk rock platforms.
- The requirement for rock fishers to wear lifejackets will increase their chances of survival, and reduce risks to first responders.

22907281 Rock Fishing Safety - Engagement Report August 2022

- A great many styles of lifejackets are authorised for use under Australian Standards so that they may be used and worn without impeding the wearer.
- These lifejackets are routinely available through government-funded programs should fishers wish to upgrade their old or out-of-date lifejackets.
- Rock fishing is an activity that anyone has authorisation to undertake on public land, and is also a high-risk activity, especially if the fisher does not know the platform in great detail, such as with visiting fishers. Even experienced rock fishers can and are injured or killed. This not only places great stress on the fishers and families, but also bystanders and first responders.

Paul Scully MP:

- Supportive of Council's proposal.
- Expressed there are multiple options for solutions, but all are insufficient and diminished if Council doesn't opt into the Rock Fishing Safety Act 2016.
- The six deaths at Hill 60 demonstrates an immediate need for improvements to public safety.
- Unnecessary to wait for coronial inquiry finding to take further measures, as like previous enquires, it's likely the outcome of future inquiries will also include a recommendation for lifejackets.
- Signage warning of dangers is insufficient – more can be done by Council to prevent unnecessary deaths.
- Noted that Council has not applied for financial assistance for educational campaigns through NSW Recreational Fishing Trust over the last decade. This should be done to complement opting in.
- Council should opt in so additional resources are able to be allocated to enforce the wearing of lifejackets.
- Council should take further steps to implement options that would provide lifejackets at minimal or no cost, for loan or rent, to lower income or infrequent fishers.

Surf Life Saving Illawarra:

- Supportive of Council's proposal.
- Are first responders to rock fishing related critical incidents.
- Expressed that their ability to achieve more favourable outcomes is largely dependent on whether a fisher is wearing a lifejacket.

Wollongong Sportfishing Club:

- Want the decision to wear a lifejacket (or the type of lifejacket) to be left to the individual's own personal risk assessment based on the conditions, their experience and swimming ability.
- View different types and levels of lifejackets as having advantages and disadvantages once you are in the water:
 - Lifejackets are beneficial in deep water locations away from breaking waves.
 - In shallow water locations close to rocks and with breaking waves, once in the water it is best to get away from the rocks and breaking waves. This is much harder to achieve while wearing an inflated lifejacket as it impedes your ability to dive under broken waves, even for strong swimmers and this may contribute to a worse outcome.
 - Manual Inflatable lifejackets must be activated by the wearer once they are in the water. If they sustain a head injury and are unconscious or have sustained any other serious injury which effects their ability to activate the jacket, the jacket is useless.
- Questioned whether the legal requirement to wear a lifejacket should not extend to any activity undertaken in the areas declared high risk.

Australian National Sport Fishing Association (ANSA) including Wollongong Sport Fishing Club and Australian Land Based Anglers Association:

The spokesperson is also a community representative of culturally and linguistically diverse fishers.

Expressed the following key points:

22907281 Rock Fishing Safety - Engagement Report August 2022

- Understanding of Council's position, but concerned of the proposal's ramifications.
- Believe a lack of safer alternative sites is a major contributing factor to the number of deaths in recent years:
 - Fishers can no longer access the northern wall of Port Kembla Harbour. This site is a safer alternative to Hill 60 and is in close proximity. It could safely accommodate a large number of fishers.
 - It's no coincidence that there's been increased deaths at Hill 60 since this site was closed (without the Covid lockdowns it's likely the number of deaths would have been even higher).
 - Older jetties in the Port Kembla inner harbour that were used in the past are no longer available. Other sites are fenced off.
 - No access to alternative safe site at Wollongong Harbour - eastern breakwall fenced off.
 - Access to some alternative sites is difficult, especially for fishers with mobility issues (for example, the northern side of Hill 60). This limits the sites many people can use, or use as an alternative in adverse conditions. An example was given of a fisher who used access Wollongong Harbour via scooter to fish for food, but no longer can due to the site being fenced for safety reasons.
- Opportunity for Council to advocate to resolve access issues, or create more sites where fishers can fish safely, for example, a new configuration of Wollongong harbour with additional jetties or walls.
- Perception that without acting, the safety issues will worsen due to population growth of Sydney and Wollongong, the growing popularity of rock fishing and overcrowding of accessible sites, which will push people to use unsafe sites.
- Perceived issues with lifejackets and mandating their use:
 - Not necessary in fine conditions and can even be a hinderance (for example, they can make you hot in summer).
 - Non fishers are not required to use them, yet they're exposed to the same hazards.
 - Concerned that once mandated, the focus will be on encouraging lifejacket use and not investing in education to change behaviour, or facilitating the availability of additional safer sites for fishers.
- Believe education is key - many rock fishers don't know to check the weather, have an exit plan etc, and don't realise the risks and dangers.

Lake Illawarra and Wollongong Police Districts:

Both Commanders supportive of Council's proposal to opt into the Rock Fishing Safety Act and proactively enforce the legislation.

Have offered to support and assist with Council education initiatives. Offered to meet to discuss initiatives further.

Recreational Fishing Alliance of NSW:

- Unsupportive of Council's proposal as it stands.
- Offered to be further engaged in lifejacket and water-safety discussions and initiatives.
- Believe there are many challenges to rock fisher education with regard to lifejackets. Before they even get near the water there are challenges to overcome:
 - It is a daunting task even for the most knowledgeable person to determine the best lifejacket to purchase. There is a huge variety of lifejackets available for purchase (in stores and online) which makes it a confusing exercise.
 - Fishers need to consider their swimming ability, water-safety skillset, seasonality changes and more.
 - They also need to know which lifejackets are the safest, most suitable and appropriate for rock fishing. It can be very difficult to navigate through the lifejackets that are Australian Standard approved but should not be used for rock fishing.

22907281 Rock Fishing Safety - Engagement Report August 2022

- Expressed concern regarding fishing buoyance vests purchased online from overseas manufacturers, used by many in the CALD community. Questioned the manufacturing standards and suitability. Government was to assess this matter but as yet, the report has not been made public.
- Explained that like many other similar sports and recreational past times, there are risks involved, but rock fishers do not go fishing with intention of ending up in the water, being rescued or worse still in the media.
- Perceive that lifejackets add buoyancy, but don't necessarily save lives. Believe that to save lives, Council needs to focus on education to improve rock fishers' personal safety responsibilities.
- Suggested that Council:
 - Put education before regulation – suggested Council provide advice locally to all rock fishers, experienced or not, as well as any potential rock fishers, within the LGA and other surrounding LGA's covering those travelling rock fishers about the requirement to wear a lifejacket. This must occur before a rock fisher is compliant to go rock fishing. Also educate them on the basic 10 rock fishing safety rules.
 - Provide consistent ongoing funding to cover all facets of rock fishing safety and educate the rock fishing community across NSW.
 - Investigate other options and signage systems to alert fishers and the general public to coastal weather conditions at beaches, headlands and coastal rock platforms as it is not just rock fishers who lose their lives. Examples were given of the recent 'Pink Caves' drownings at Catherine Hill Bay and Figure 8 Pools injuries.
 - Don't opt in. Stick with what they can do locally to reduce rock fishing incidents and fatalities.
 - Advocate to the Government that there needs to a consistent approach to rock fishing safety across NSW that make it is safe as possible - similar to what has been established for many other water and beach safety activities where there are no laws at present. For example, people must swim between the flags at the beach, when erected. When people don't, there are laws that can be applied by the NSW Police, but they are rarely if ever used.
- Acknowledged that it is State legislation, not Council's policy and expressed that it is a disjointed approach by Government to delegate Rock Fishing Safety to councils, and add to their ever-increasing number of water safety strategies, plans and responsibilities.

Next steps

The feedback received from this engagement will be reported to Council to help inform their decision on opting into the Rock Fishing Safety Act.

