RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Inquiry into cause of fatality and injury on Victorian farms

Melbourne–21 January, 2004

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Witnesses

Mr R. McGowan, Executive Director, Seafood Industry Victoria (sworn); and
Mr R. E. J. Sealey, Chair, Seafood Training Victoria (sworn).
The CHAIR — I welcome you both to the committee today. Under the powers conferred on this committee by the Constitution Act and the Parliamentary Committees Act this committee is empowered to take all evidence at these hearings on oath or affirmation. I advise all present that all evidence taken by the committee, including submissions, is, under the provisions of the Constitution Act, granted immunity from judicial review.

I also advise witnesses that any comments made by witnesses outside the committee hearings are not protected by parliamentary privilege. We are an all-party parliamentary committee hearing evidence on the inquiry into the cause of fatality and injury on Victorian farms. We welcome Ross McGowan and John Sealey, who were timetabled to appear separately, but we are hearing their evidence together, which is good and sensible.

Denis Naphine reminded me that the title of the inquiry does not actually include the fisheries and forestry industries. The reason why the fisheries, forest, and other primary industries were included is because as a committee we felt they were important areas, as well as farms, where injuries and deaths occurred. So if I could ask you first, Ross, to provide your full name and address, whether you are attending in a private capacity or as part of the organisation, and the position in your organisation.

Mr McGOWAN — My address at the Seafood Industry of Victoria, of which I am the executive director, is Level 2, 177 Toorak Road, South Yarra. I am appearing here in my capacity as the executive director of Seafood Industry Victoria.

Mr SEALEY — My name is John Sealey. I live in Portland. I am attending as chair of Seafood Training Victoria, which operates out of the same address as Mr McGowan gave.

The CHAIR — Thank you. Your evidence will be taken down and become public evidence in due course. Could you please make a brief statement each, and then after that we will ask you some questions?

Mr McGOWAN — Thank you for the opportunity to appear here today. Seafood Industry Victoria is actively involved in promoting the safety of commercial fishers in this state. The statement of purposes for Seafood Industry Victoria includes a range of purposes which we strive to achieve. They are, firstly, to unite all sectors of the Victorian seafood industry into a single umbrella organisation for their common benefit; also to act as the recognised peak body representing the unified interests of the seafood industry in Victoria and to encourage and promote the development of the seafood industry in Victoria.

The statement of purposes also includes: to promote the seafood industry to the public and all levels of government as a vital and necessary contributor to the Victorian and national economies; to promote and provide services that may be beneficial to member bodies; to consider and take action on issues of interest and concern to the Victorian seafood industry; and to make representations to government at state and commonwealth levels on matters of interest to the Victorian seafood industry. Essentially that is the charter of Seafood Industry Victoria.

The organisation is made up of the member bodies referred to in the statement of purposes. Those member bodies are essentially port associations running from Portland in the west right though to Mallacoota in the east, where we have the Eastern Zone Abalone Association. The seafood industry covers all fishing activities in state waters, from abalone to rock lobster, inshore trawl, bay and inlet fishers, eel fishery and the bay and inlet fisheries. It covers a whole range of fishing methods and consequently there are a whole range of different issues for each of those fisheries with regard to safety and how they conduct their operations and their businesses.

As I stated earlier, the health and safety of commercial fishers is paramount. Seafood Industry Victoria (SIV), together with Seafood Training Victoria (STV), has embarked on a number of strategies to assist industry in developing safe practices. Mr Sealey, who appears with me, has been a driving force in this area for many years and will be able to inform the committee of more detailed activities as we go through today's inquiry.

Seafood Industry Victoria actively participates in a number of committees and is specifically aimed at improving safety at sea. These committees include Marine Safety Victoria’s Fishing Industry Advisory Group on which both John and I sit. We also have some regional representatives sitting at the table with Marine Safety Victoria and also representatives from the department of fisheries. The role of that advisory group is to ensure that there is a good flow of communication with Marine Safety Victoria, which sets standards for surveys for boats and with regard to the requirements for safety equipment which has to be carried on those boats. At a national level we are also involved with the Australian Seafood Industry Council, which is the peak industry body that amalgamates all of the state bodies, and SIV is automatically a member of that council. We work closely with all the other states on occupational health and safety matters.
We are also involved with the National Marine Safety Committee, commonly known as the NMSC, which if I remember correctly is run out of Sydney. The focus of the NMSC is generally more at the larger commercial vessels, not necessarily the fishing industry, so from time to time we have difficulties with some of the standards that come out of the NMSC because they are more aligned to larger tankers and the big shipping that goes on around the world. We need to tone down some of its standards, for example with regard to what might be included in a medical kit. What you might have on a container ship with 40 crew is not what you would have on a cray boat with only two people working on it. Sometimes we have interesting discussions about how we meld the standards that are required with the operations that are conducted on a smaller level here in Victoria.

We are also actively involved with Seafood Training Victoria and the structure there is that STV is essentially now a subcommittee of SIV. It has been set up specifically to enable us to have a training arm and get out to the grassroots fishing industry to inform those people that there are standards and training requirements and try to encourage a training and learning culture. As John will be able to brief you later, many of the operations are family businesses that started many years ago, as John’s was, and some of the practices began at the start of the last century and have evolved to where we are now. Safety is something that has had to evolve over time on vessels where safety was not necessarily paramount.

We also work in conjunction with the Fisheries Research and Development Corporation, which is a commonwealth body. It is a research organisation which puts a lot of money back into the industry, not only in the research of stock levels but it also looks at occupational health and safety issues and has funded some national projects on occupational health and safety. One that comes to mind was run out of the Western Australian Fishing Industry Council and my understanding is that it was directed specifically at the rock lobster industry over in Western Australia.

SIV has assisted STV in a number of projects that include lifting the profile of training in the industry, as I indicated earlier, and occupational health and safety training for commercial fishing operators, including the development of a safety manual for individual vessels. SIV is currently undertaking personal flotation device (PFD) trials along the coast in partnership with Worksafe and Margaret White, who is here today as a spectator, and a number of PFD manufacturers. It is an initiative that we have put together to encourage the take up of the use of PFDs, and I have brought a couple of different styles that are available for the committee to have a look at. The object of the trial is to get an understanding of where there may be some design issues with regards to PFDs, and clearly some of those design issues are coming through.

As I understand it, at the end of the project we will be making some recommendations both to Worksafe and also to the PFD manufacturers, that if they were to modify their jackets in a particular way they might get a bigger take-up in industry and consequently when circumstances require members of the fishing industry to wear PFDs they will put them on. Some of the yokes on the PFDs that we have here today are very slim and go around your neck and do not inhibit movement at all or get caught in winches and those sorts of things. That is what we are working on at the moment.

Thinking about trying to put some of the things into context, the seafood industry is a unique industry. The platforms that people work on are many and varied and the conditions that they work in are, as you can understand, wet and slippery and the platforms are moving. The weather is always a contributing factor and the different types of gear used will have implications on the risk and the level of safety that needs to be observed on particular vessels. It will be different on an abalone vessel where you have a deckhand and a diver compared to some of the deep-sea trawl operations that John can talk about where there are long lengths of steel cable and trawl doors which have to be dropped over the side of the boat. All of those sorts of issues are completely different and there is no one measure that is going to necessarily increase safety in all aspects of the fishing industry. That is my long summary.

Mr SEALEY — I am John Sealey. I have lived at Portland all my life. My grandfather, father and uncles, but unfortunately not my son, were fishermen. I had 49 years in the fishing industry and sold out three years ago. I started with my father on a couta boat, just hand lining flathead, rock cod and barracouta in Portland Bay, which were sold out of a wheelbarrow. Over that time I participated in line fishing and lobster fishing, and scallop fishing in Port Phillip Bay when it first started. Twenty-five years ago I decided to go into deepwater trawling and that was when it first started. From a subsistence fishing industry when I started, where I could not afford to be paid wages for the first two years — I spent quite a bit of that time in wharf labouring — it turned out that when I sold out, the operation I ran turned over $1.5 million a year. It was quite a successful trawl industry. I had a quite long experience of seeing the changes from being in a small boat sailing around the cray pots and hauling them by hand to finishing up with the trawler that I built and modified three times in 20 years, to being able to trawl, tow a net on the bottom in 600 metres of water.
The experience over the years was amazing; the vessel changes were amazing and attitudes to business certainly changed. Once upon a time you were a hunter and gatherer and all you had to do was go and catch fish. Now you run a business and that business harvests a community-owned resource and you have got to do it to the best of your ability to keep money in your pocket. In the latter years I had several incidents of crew with bad backs and accidental injuries and things like that were a real worry to me in business. Over that period I did not have many accidents but unfortunately I did have an accident when I was building the boat when a young chap disregarded the warnings and blew himself up in a tank we were constructing. He was the son of a mate, and unfortunately he died. That is my history in fishing. I have been involved around the training scene in the fishing scene as it started off, for the last 15 or 16 years. In that period of time the industry changed from being a fishing industry to being a seafood industry. I participated nationally in developing a seafood industry training package. The industry started to realise that fishing was only one part of it, and that you really got your money out of the end product as well. This industry training package was set up to encompass wild catch, processing and retail of the fishing industry. Until six or seven years ago we had a Victorian fishing industry training committee which was closed down. It was not financed, and fishing was moved over to the primary industries training board, with agricultural, horticultural and rural training. The wild catch sector, along with aquaculture, moved over to that board. For the last eight or nine years we have participated with that board very successfully; it has been very supportive and that has gone well.

About four years ago we set up Seafood Training Victoria. The statement of purpose for STV states that it is to be recognised by the seafood industry, government and education authorities as an organisation able to provide authoritative vocational training needs advice and/or training for sectors covered by the seafood industry; to seek advice and guidance in the delivery of training and identification of training needs within the seafood industry, employees and government; to develop and implement strategies to promote skilling and attainment of competency standards across the seafood industry; to act as a focus for information and advice on education and training for the seafood industry; and to contribute to any national seafood training aims and objectives. As I said before, the main reason for setting up Seafood Training Victoria was that there was no cohesion between the catching sector, which did not have a training culture or at that stage it did not really require training; the processing sector, that is still disorganised or has been disorganised; and the retail sector. So we formed STV and included those training groups.

We went to the government and asked for funds to employ a training officer. We were successful in getting leverage funds for a three-year project to employ a person to do that. The very successful leverage project finished last year. We have had two people doing that task, and at present we have continued employing the last person who has done the job through Seafood Industry Victoria. In that period of time we were set targets by the government. We exceeded those targets on trainees, and we were successful in getting VET in schools for all sectors. We drove a fish market project where there have been 110 workers at the fish markets who have a certificate III in seafood handling to the national training package. The success of the leverage project has really been encouraging. For the first time it has been able to put someone out into the state, bring them in from outside, and get around the state to promote training and to make people aware that there are changes. They are letting people know that when you catch food it is not the end of the road when you dump it on the wharf or put it in a truck to send to market, and that the processing or the secondary side of the industry is just as important as the catching.

In the last four years we have made progress. I had been a member of the Marine Board of Victoria for several years. There were several accidents on fishing vessels, and they changed the marine board and the fishing industry was not represented. After several incidents on my operation I was getting fairly worried that there was no cohesion between Workcover, which you are involved with in your operations, and the marine board. I approached the marine board and asked, ‘Where does your responsibility finish and where does Workcover’s start?’ I was told, ‘Do not go near Workcover. They are not very good to deal with.’ I was pretty concerned about that, and we were instrumental in setting up a memorandum of understanding (MOU) between Workcover and Marine Safety Victoria. Before that there were incidents on the bar at Lakes Entrance, and Workcover was beating the marine board down to those incidents and there was conflict. For the first time after the Labor government came into power I saw in my years of experience front-page stories of two people being drowned out of a fishing boat at Warrnambool, and that was reported as a workplace accident, not a marine accident. They were the changes that were happening.

So we worked on that and eventually got an MOU between the two groups. Then Marine Safety Victoria came to us and we set up the Fishing Industry Safety Advisory Group, which Ross has spoken about. That group has worked fairly well. Margaret White is a member, Workcover is a member and industry is well represented, so we do have a forum to talk to the authorities. Over that period of time, about four years ago there were several incidents on boats and people at the marine board and Workcover were very worried about a child being killed on a boat and the fact that up to that stage there was no regulation stating that you had to have any training or any
to see how they can be worked in, what is at fault with the existing models, whether they can be improved and Workcover's assistance SIV is now running trials on the PFDs. We have just about completed the western zone, manufacturers, fishermen and Worksafe and talked about the problems and about what was available, and with We conducted four workshops: in Melbourne, Queenscliff, Lakes Entrance and Portland. We sat down with the could be worked in were available, then they should be supported.

not worn because they are too bulky or too uncomfortable to work in. The coroner pointed out that if PFDs that every vessel has life jackets, but they are usually stowed below bunks or in cabins or somewhere like that. They are project. The coroner's report pointed out that many of the vessels where fatalities occurred had life jackets. Indeed where we have had 43 PFDs from four different manufacturers put on boats of all different types for trials. This is

Three or four years ago it was suggested that when you employ someone as a deckhand you send them to TAFE for a one-day course. That was not accepted by the industry. You can be short of a crew — he does not turn up or something like that — and you grab someone off the wharf. You could get someone from Works skills or a workplace employer, send them to TAFE for a day and then go to sea where they become seasick and you do not see them again. We found that two books were produced in New South Wales, and after a lot of work over that period of time we have Marine Safety Victoria approving these books. Book A has a check list for the skipper to go through with new crew before they go to sea. It goes over the safety features on the boat, and the new applicant signs it. He has the first book for one month. If he is still with you and working and wants to go on, we have book B, which he does for six months and which goes into more detail. We would hope that he would be assessed for a deckhand certificate after six months. We have only just started these, but they are being very well received by the industry.

It was suggested that I make up a safety management plan for operations on a trawler. This was so that your crew can go through it and sign it to say that they understand the safety features on the boat, so it was drawn up and approved by Workcover. Seafood Training Victoria has been out to 100 fishermen or fishing companies and run them over the template to suit their own operations. In this template there are copies of relevant parts of the act, an alcohol and drug policy and all the relevant sectors of your operations. At the back of the book is a section for medical details of your crew, next of kin, names of doctors and so forth so that if an incident happens at sea and you need to ring a doctor and the crew member has an allergy or is diabetic, then you have a record that is of assistance and is signed by the crew. We have conducted workshops for fishermen to set up their own safety management plans. These have been assisted by Farmbis, and the fishermen have been able to have their own safety management plans set up for $64 each.

One of the very relevant points that we pointed out to participants is that occupational health and safety is up to them. We have said, ‘This is set up for your operation with your crew and has the ability to be reviewed each year’. We pointed out that it should be reviewed each year with their crew and approved by Workcover at the local branch. We have run people through this, from abalone and lakes fishermen to deep-sea trawlers.

Working on FISAG, it was suggested that we set up a code of practice, and with Margaret White’s assistance and help we have started a book on health and safety in fishing, similar to the one produced by Workcover and Sam Beechey from the AWU on health and safety in shearing. The intention is to develop that book this year and include all the relevant safety features for the fishing industry at a national level. Then when we run the safety management templates we are asking the course participants to spell out the hazards in their operation and how they deal with them. At the finalisation this year we will have the 8 or 10 most relevant hazards in their operation, and that book will be available to all fishermen on their boats and available to the Workcover inspectors who go around vessels so that they have something to work on.

The coroner’s report came out about eight or nine months ago, and it was very damning of the industry in which there have been 18 deaths over 21 years in the Portland area. They were for different reasons, but most were drownings. Ours is not the only fishing industry in the world where these figures are alarming. It is well above normal workplace figures. The figure on the International Labour Organisation world site is that in 1999 in fish farming and fishing throughout the world there were 23,000 fatalities. All other countries are starting to work on how we get over it. With support from the coroner and Workcover we decided to set up a personal flotation device project. The coroner’s report pointed out that many of the vessels where fatalities occurred had life jackets. Indeed every vessel has life jackets, but they are usually stowed below bunks or in cabins or somewhere like that. They are not worn because they are too bulky or too uncomfortable to work in. The coroner pointed out that if PFDs that could be worked in were available, then they should be supported.

We conducted four workshops: in Melbourne, Queenscliff, Lakes Entrance and Portland. We sat down with the manufacturers, fishermen and Worksafe and talked about the problems and about what was available, and with Workcover’s assistance SIV is now running trials on the PFDs. We have just about completed the western zone, where we have had 43 PFDs from four different manufacturers put on boats of all different types for trials. This is to see how they can be worked in, what is at fault with the existing models, whether they can be improved and whether fishermen would wear them. As I have put PFDs on boats it is quite surprising the number of fishermen
who now have PFDs on their vessels, especially the bigger vessels. Most of them have inflatable vests. This is a sample of the yoke type. During the workshops it was pointed out that on a hot day you cannot work in the vests because they are too uncomfortable and for other reasons.

One of the problems we have is that there are nine different fisheries in Victoria and each one is different. It is the same with the boats and for the safety management plans, and it is the same when you try to deal with anything. There are so many different types of operations and so many different needs that it is very hard to see it all. We have got to the stage where we have trialled the PFDs in Portland and down to Port Campbell. We are then going to do so in Lakes Entrance and the central area. We sit down with the manufacturers and get the reports back on their products. The manufacturers have stated that they are prepared to adjust their outfits or their PFDs so that they can be workable, but we have some problems. You will notice that some of them have tags that catch in fishing gear. There are different faults with each of them, and that is what we are involved in at present.

One of the problems we have is Workcover — this was a problem four years ago when we started working with Workcover — does not have anyone in the organisation with any small-boat experience. I believe that is a problem. There is perhaps one chap who has been a captain. He has been very helpful, but he was a captain of a merchant ship. Hopefully in the near future we will be able to use these pre-sea deckhand books for RPLing and training existing crew on vessels who have been there for years but do not have anything to show for their experience.

Another big problem we have had over the years is industry image. If the fishing industry is to survive it has to lift its image — it has to be safe. With the figures that come out from the coroner’s report you cannot blame parents for not wanting to put someone on a fishing boat. If we can improve that image that will change. We need young people using the VET system or getting an opportunity to look at the fishing industry, and if we can improve the safety of fishing operations that will help a lot.

The CHAIR — Thank you very much, that gave us a good picture especially the more recent history about where the industry is going as far as occupational health and safety is concerned. Thank you for bringing along those PFDs.

Mr SEALEY — There are copies of the pre-sea deckhand books here, and the safety management plan, if anyone is interested.

Dr NAPTHINE — That would be much appreciated.

The CHAIR — In regard to the training packages and the implementation of them and the other occupational health and safety measures you have brought in like the medical forms, do you know the kind of percentage of businesses that have taken up these ideas and the actual success they are having in implementing them in their day-to-day activities?

Mr SEALEY — The response from the workshops has been very good, but you are dealing with an industry without a training culture and they are frightened of computers. We had a chap at Lakes Entrance who nearly walked out when we were about to start the course as a quarter to 10. He was my age and said he had never sat in front of a computer in his life. He sat down alongside another fisherman and walked out at 3 o’clock as happy as Larry. The fishermen can sit alongside one another while they are doing that course and help one another through it. The fact is that we are giving them something. What happens to it after that is up to Workcover because the promise has been made that it will start targeting the industry. We have really reinforced the fact that it is up to the fishermen where they go with this. That is the way we believe Workcover works.

In my small business of eight people when I had the trawler three years ago my wages bill was $330 000. We paid 7 per cent of that in Workcover; you get a couple of claims and it is more. The New South Wales industry pays 15 per cent compared to Victoria’s 7 per cent for the industry. When you mention those figures to the fishermen that is when they start to take notice because it is a big issue. It has also given the skippers the opportunity to talk to their crews about what to do in a man overboard position, or say, ‘I have a bit of a worry about when we handled the gear, how should we deal with it?’ When we review it at the end of the year we will put that in’. As we do the course we explain to them how to add or take things out of their safety management plan. The success has been in incidents at Portland now, where Workcover has asked, ‘What are you doing about OHS?’, and they say, ‘We have this safety management plan’. The incident was included in that so the crew had signed it to say they understood that they should be doing this. That is the way we do it. Where the Western Australian project has talked about OHS, we have produced something for them. They can alter it to suit their operations because they are so vastly different. It has been very successful.
Dr NAPTHINE — In the broader training — in your certificate III seafood handling or your deckhand training — what component of that is occupational health and safety?

Mr SEALEY — It is one of the four core competencies in the training package — OHS — for the operation. That is if they are working down at the fish market and things like that. It is one of the four core competencies.

Dr NAPTHINE — You talked about the safety management plans and you talked about Workcover working with people at a local branch level to endorse or approve the safety management plans. We have heard evidence previously about the extent to which Workcover is or is not able to provide advice and cooperation as opposed to an inspectorial role. Have you found Workcover at the local branch level able to provide advice and support for these safety management plans as opposed to just having an inspectorial role?

Mr SEALEY — Warrnambool Workcover helped me draw up the plan originally. Workcover only works on these really at the incident level. One of the problems we have had in the past is that Marine Safety Victoria inspects vessels once a year; a few years ago it was not every year. What I am trying to get now is to have Marine Safety Victoria have a check box on its survey forms asking, ‘Have you got a safety management plan?’ Not to inspect it but just to remind people that they need it. Most of the fishermen do not know about Workcover until they have an incident. They should know about it, but it is one of these things that unless you get an incident you do not see them. People say it is only a fishing boat, it is not a workplace. Their workplace might be their shed. It is a real minefield.

Dr NAPTHINE — If I am a cray fisherman at Portland, and I employ one or two deckhands and do my safety management plan, can I take that to the local Workcover branch and ask them to look at it and see if I have covered everything? Will they cooperate with that?

Mr SEALEY — Yes, wholeheartedly. After the incident where Lyle Alloway’s son was killed — he was the dux of his school and during school holidays he went out on his father’s squid boat; his father left him watching the squid machines and asked to be woken up at 2 o’clock or something; the father woke up at 3 o’clock and there was his son strangled in the squiding machine — when I went to Workcover with my problems because I did not know where to go — the marine board was saying, ‘Do not go near them’; it was pointed out to me, ‘We don’t know where to go, Workcover did not know where to go’ — Frank Siegler said he had developed a diving safety management plan, and that is where I started with Workcover’s help. That document has been used around Australia — Western Australia and everywhere — because I have publicised it at different seafood forums because it is easily adaptable.

Dr NAPTHINE — You said Marine Safety Victoria does annual inspections of vessels. Do you think in terms of commercial fishing vessels it would be helpful if there were an annual inspection that involved a joint inspection by Marine Safety Victoria with Workcover and part of that was a review of the safety management plan? Would that be a step in the right direction or is that an overkill?

Mr SEALEY — Perhaps an overkill. In my opinion the problem Workcover has is someone in there with any experience — that is, where you have people with experience and the rest of it, on the whole industry. It is someone the industry can talk to and who knows what he is looking at in small boats and knows where the safety features are and things like that. Skippers of vessels are frightened by Workcover because of the different contract requirements for the people they work for. They should not be, but the different way contracts are drawn up — I suppose at Portland in three or four specific claims the payouts have been $4 million or $5 million — it frightens people. If they have the safety management plan and they recognise the fact that they are responsible for the safety and they work with their crews and get that document signed off each year and review and date it each year, Workcover inspections if an incident happens are fine. There needs to be something on an annual basis to ask, ‘Have you updated your safety management plan? Do you have one? Can you produce it?’. If the skipper hands that to the Marine Safety Victoria surveyor it should be fine. What we have been impressing on the industry is that it is no good one company being OHS conscious and doing the right thing, or one port; it has to be the industry.

Workcover has liaised with Ross to say that if we do this properly we can talk levies. I must point out that we have had great help from Sam Beechey, who has worked with Primary Skills Victoria and with us on the health and safety fishing book, and with Seafood Training Victoria. His links and experience have been very well appreciated.
Mr McGOWAN — The point John made there with regard to Workcover premiums is basically the driver we are trying to use to get the operators to understand their responsibilities and implement them on their vessels so we can then demonstrate as an industry that we have taken heed of the occupational health and safety requirements and so consequently we get the opportunity to renegotiate with Workcover the premium per vessel. That obviously adds to the bottom line of the profitability of these companies. That is the angle the Seafood Industry of Victoria is coming from — trying to impress upon them that if they implement these strategies their bottom line may improve if we can get industry uptake. That is the line we are taking because it is the largest personal leverage we have.

Mr SEALEY — There have been incidents where passengers on boats have drowned — where people who went out could not swim and were not wearing life jackets and the owners of the boat did not even know the passenger was on board. It is a Marine Safety Victoria requirement that you cannot carry passengers. It is a real minefield that we are trying to cover with the work Seafood Training Victoria is doing. I must congratulate Margaret on the assistance she is giving in working through these issues. It is very hard to fund this sort of thing and the opportunity to get the PFDs on the boats. Looking on the World Wide Web, the Irish fishing industry has made it a law that every crewman on a fishing vessel must wear a PFD from the time they leave the wharf until the time they come back. This is new. We are pretty much leading the world by doing this with the assistance and drive of the coroner. He is very proactive on this.

Mr WALSH — So the wearing of PFDs is not compulsory here?

Mr SEALEY — No. The point I would like to make is there are boats of different sizes with different operations. If I were managing a boat or managing something you put in your safety management plan when the PFDs should be worn. It might be going over the bar at Lakes Entrance or fishing close to rocks off Peterborough or Portland or in conditions over 20 knots so people are aware that they are available and if they are comfortable to work in then you can work in them when conditions arise. It is such a dangerous workplace because it does move, it is slippery and there are surprise waves. From being, ‘I’ll take a passenger or friend out, I’ll go to sea and show them the ropes on the way out’ to what it has to be now is a big change. I believe luckily we are able to assist in the way it is going. We are making good progress.

Mr WALSH — So if we can get those PFDs that are work friendly, should we make it compulsory that they be worn all the time?

Mr SEALEY — I do not agree with all the time. You are inside a cabin on a 30-metre vessel on a calm day and things like that. You will get opposition to that. It is becoming compulsory in the work we have done with the manufacturers. The record in Tasmania for recreational vessels was three times as bad as what the commercial record was and three years ago they made every person on every recreational vessel under a certain size wear PFDs and there has not been a fatality since. However, it is pretty hard to convince an engineer or the skipper of a 30-metre vessel that on a calm day he should be wearing a PFD.

Mr WALSH — Is that like saying, ‘I am on a straight road, it is a nice sunny day, I should not have my seatbelt on’?

Mr SEALEY — You also have fishermen like one at Queenscliff who said he went out to his boat the other day, cast off and realised he did not have hid PFD on so he went back home and got it. People do realise that it is risky. He might be on his own — people on their own might be forced to wear them. There are certain conditions that in my opinion it would be pretty hard.

Mr WALSH — If you are above deck or something should you have them on?

Mr SEALEY — That is the rule they have made in Ireland.

Mr McGOWAN — There is a whole range of ways you could implement something like that, such as through conditions, as John suggested: if the breeze is over 20 knots, whatever conditions are on; if you are on deck at night. The number of people who have fallen overboard at night is large so that might be a time when you would consider suggesting it was an appropriate time to be wearing a PFD. On the other side, even though the yokes we have shown you today are relatively small, if you are sharking you have to gut and head the shark straight away because of the biology that goes on within a shark; it is rancid if you do not do that. A lot of these blokes are working in fairly ordinary conditions with blood and so on and it would not necessarily be the greatest thing to be wearing a PFD on the outside all the time. As I say, it may well be that there are some conditions where that sort of
recommendation would be useful, such as if you are working in close, hauling in pots or where it is over 20 to 25 knots when the breeze is getting up, or going over the bar at Lakes Entrance.

Mr SEALEY — It really boils down to the fact that in a lot of cases there are managers or company boats with skippers and crew. What happens then is the safety management plan sets the rules so that they understand that and sign to it. The difficulty in a lot of cases is that the skipper takes responsibility. The rule might be that if you are working on deck you have to have a hard hat or a PFD on. The skipper is busy watching an echo sounder or something and the crewman steps outside and goes over the side and he has not put his PFD on. If the crewman has signed that book and it is in the book to say that he should be wearing a PFD on deck, the responsibility goes back to the crewman as well. So they all become safety conscious because they know, ‘Yes, I have to wear it’. You can argue with a fisherman who says, ‘It is only a fishing boat, a little boat, and I can’t do this and I can’t do that’. You say, ‘Look, mate, if you walk onto the site at Alcoa you will not get inside the door without a hard hat on’. Then they say, ‘I can’t make my crew do that’. Without a safety management plan you cannot do that, but once you start implementing this sort of thing and your pre-sea deckhand books, then the industry will lift that image.

Mr WALSH — Does the signing of that safety management plan shift the onus of responsibility on to the individual to make sure they do it, from a legal point of view?

Mr SEALEY — I think so, yes. I have had solicitors look at it and they have said, ‘Yes, very good’. Workcover has given opinions on it. It has been used, as I said, in different places. You can look for different interpretations, I suppose, but I believe most companies now have that sort of thing. You put into it what you do and how you do it. Your crewman signs to say he understands it and that he has been trained in that operation, and that document then is proof.

Mr McGOWAN — I do not think it would abrogate all the responsibilities of the owner or the skipper, but certainly the burden is spread more thinly, if you like, because of the responsibility of the crew. The crew knows their responsibilities, the skippers know theirs and the owners know theirs as well. So when it comes to liability, it is spread.

Mr WALSH — So far as that justifies providing a safe workplace, and if a person chooses not to put his PFD on and falls overboard — —

Mr McGOWAN — Yes.

Dr NAPTHINE — These safety management plans have been taught with Farmbis assistance. Have you got ongoing funding to continue that sort of program?

Mr McGOWAN — Farmbis, as we understand it, is going to go through to June of this year. We have been told the funding is getting a bit skinny, and we need to be putting in essentially applications now to make sure we continue to get that funding. We are not clear on whether a new version of Farmbis will come through. Unfortunately some of the other states have not managed Farmbis very well from the commonwealth’s perspective. Victoria has managed it well and the seafood industry is just starting to take advantage of it. We are using it for food safety at the moment with regard to the Prime Safe implementation, but the subsidies, as I understand it, will finish up at the end of the financial year.

Mr WALSH — Is that skinny funding an issue of the federal funding or is it the dollar-for-dollar matching state funding of the scheme?

Mr McGOWAN — I am not clear on that; it is not information they give us. We have just been told by the state planning group that money is getting tight and they need to spread it over the next six months to make sure it lasts.

Dr NAPTHINE — Would you argue that continuation of that funding is important to improve occupational health and safety?

Mr McGOWAN — Absolutely. It is not just critical to occupational health and safety but to a whole range of other training initiatives in the seafood industry. It is adding value to industry, making it a safe place, but also adding value back into the Victorian economy because it is raising the bar with regard to quality and a range of other issues outside this committee.
Dr NAPTHINE — I will ask another Dorothy dixer, if I can put it that way. This committee makes recommendations to the Parliament and the government. What issues would the seafood industry suggest to this committee, and through this committee to government, that government could do to further assist the improvement of safety within the seafood industry?

Mr McGOWAN — Funding for training is always an issue. The ability to get simple things like publications done so we can get them out on to boats, running workshops, all that sort of extension work is integral to getting commercial fishers involved. Generally they are individual characters, if you like, in the fishing industry, and there is not a lot of group thinking.

If somebody else is doing it they will perhaps look at a particular initiative. If you can get them into a workshop scenario where people start to open up and talk about ways of improving their businesses and those sorts of initiatives, and the funding for those things is facilitated, it will get the message across to the individuals. They may well be association members at the local port level, but that will perhaps be their only communication. Being able to communicate through SIV or government agencies is really important, but developing relationships is just as important. Industry needs money to be able to facilitate that process. Whether it is Farmbis, access to publications or getting publications produced, those sorts of things are extremely important.

Mr SEALEY — Farmbis was not taken up until last year, was it?

Mr McGOWAN — It was about 18 months ago. We were actually excluded from it. We were not seen as a primary industry. It took a lot of work from Lyn Warn, the former chairman of the Seafood Industry of Victoria, to get SIV included in the Farmbis program because it was not seen as a primary industry.

Mr SEALEY — One of the big benefits of the safety management plans that fishermen have found already is with the drugs and alcohol policy, and things like that, where the industry image has not been good and people have tried to bounce that and said they could not do it. The marine board has a no-alcohol-on-vessels policy, but without something written down skippers have been frightened to sack crew because they say they will take unfair dismissal action and things like that. When the drugs policy is written into the safety management plan and the crew has signed it, the crew cannot come back and bounce them. All these sorts of things can be developed to protect everyone. After battling for so many years I am quite excited about the progress we have made in the last four years.

Mr MITCHELL — From what you have said, John, it sounds as if over the last four years the industry has been very proactive in changing from seeing it just as a fishing boat into an actual business. How has that been accepted across the board from most operators?

Mr SEALEY — There have been quotas, marine parks, all that type of thing, and bad publicity. They realise the drownings and fatalities on the front page of the newspaper is bad publicity. They have had crew problems where in the past young people have not come into the industry, people have not started at the right level, and the existing people have had to change from saying, ‘I am only fish; I am out there to catch more fish than you’ to, ‘I am fishing to quotas. I am catching food, so I have to realise why I handle it, why I should handle it, and I have to look after it until it gets to the next bloke’. All those sorts of things are driving them. With these imposts on the industry the quality of participants has improved. If something is successful, then the good operators will follow. An operator of a fishing boat with a crew that is paid on a share, so they are being paid a fair wage, who gets a Workcover claim or becomes involved in court litigation realises he cannot afford that. When we sit them down with a computer program and help them through it, it is not a big deal because only they know how their boat operates. They can say, ‘No, that is not relevant to me. That is a trawler so cut that out’. We put in the parts that are relevant such as launching a boat or something like that. When they see that at the end of the day and realise they can review it the next year, and the crew looks at it and says it is all right, then you are getting that better person in. It will gradually improve.

Mr MITCHELL — What about the cost to each business of running the deckhand books, the safety manuals and PFDs; what does that run into?

Mr SEALEY — The pre-sea deckhand books have been included in the safety management course free. The books only cost about $8 to $10 each. They can copy the front page of the book so that if they have several crew they can copy and use the same book and that sort of thing. The yokes of the PFDs are about $250, the vests are $350, it is $30 a year to service them and when they are serviced they are back guaranteed as new. Fishermen that have had the vests for a number of years and used them say they come back like new — for $30 a year. They
have been petty supportive during the time I have had them out there. Lakes Entrance cannot wait to get them, so
that is encouraging.

Mr McGowan — One of the issues for us has been that there are areas within government that have
funding sources. It is about identifying the funding sources, getting the projects up, and then getting that approved.
The PFD project has been funded by Worksafe. But trying to find your way through the corridors to the pots of
money is extremely difficult, and then to be prioritised among a whole range of other projects is a difficult process.
We have been successful getting money through Worksafe. I have got money through infrastructure for another
project we are currently running. It is a matter of knowing where those moneys are located. It is a matter then of
identifying what the project is going to be and then developing a relationship with the bureaucrats to make sure the
program works well. You have to be fairly switched on to all the new programs that are coming through.
Sometimes I think perhaps they could be advertised a little bit better.

The Chair — Thank you very much. I am sure all committee members are far more aware of the
industry now than they were before. You will receive a copy of the transcript in about a fortnight, and any obvious
errors of fact or grammar can be corrected and changed but not matters of substance. Thank you for your time
today; it is appreciated.

Witnesses withdrew.