CORRECTED TRANSCRIPT

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Inquiry into cause of fatality and injury on Victorian farms

Lakes Entrance–6 April 2004

Members
Mr M. P. Crutchfield          Mr R. G. Mitchell
Mr B. P. Hardman              Dr D. V. Napthine
Mr C. Ingram                  Mr P. L. Walsh
Mr J. M. McQuilten

Chair: Mr B. P. Hardman
Deputy Chair: Mr C. Ingram

Staff
Executive Officer: Ms K. Murray
Research Officer: Dr V. Koops

Witness
Sgt R. Mostard, Gippsland water police (sworn).
For the purposes of the transcript could you please provide your full name and address? If you are representing an organisation, please state the name of the organisation and your position within it?

My full name is Richard Mostard. I am a sergeant in charge of the Gippsland water police, and I have held that position since April 1985. My office is situated in the government slip yard at Paynesville, where four senior constables and I staff the office. My area of responsibility extends from Cape Patterson near Inverloch to the New South Wales border, and covers all coastal in and out waters of police region 5, divisions 3 and 4.

I believe you have provided us with a fairly comprehensive submission.

Some time ago we received a letter from the Victorian water police that had that information.

I did not supply that.

Could you please give us some brief comments, then we will ask you some questions?

In my area of responsibility we have a number of professional fishing operations. The larger vessels mainly occur around Lakes Entrance, Port Albert and Port Welshpool, whilst we have inland fishermen in most of our waterways in the area. In my time as officer in charge of the Gippsland water police we have had at least seven fatalities involving professional fishermen’s vessels that I am aware of. Of the 7 deaths that I have referred to, 3 fishermen ended up in the water whilst performing fishing operations, 2 died whilst returning to port in rough weather; 2 were thrown into the water whilst trawling fishing gear; and 1 was killed after being caught in fishing equipment on board the vessel. In all the incidents referred to above which involved the fishermen going into the water it would appear that one common thread is the lack of a personal flotation device being worn at the time.

Not all the facts are clear in all the incidents as the fisherman are deceased and were working by themselves at the time, so not all the facts are clear. However, in two of the incidents, one in Lake King in the Gippsland Lakes on 29 October 1998, and the other in Corner Inlet near Port Welshpool on 11 October 2000, when both operators were working near nets in relatively small boats, they somehow got entangled in their gear and went overboard or simply fell overboard. On both occasions neither got back to their boats and hence drowned. In one of these incidents the fisherman had severe lacerations to the head caused by a propeller from his own boat. Neither of these persons was wearing a personal flotation device at the time.

In a third incident east of Wilsons Promontory on 21 May 2001 a fisherman very new to the industry simply fell off the back of a large trawler whilst tending the nets. He subsequently drowned, and unfortunately his body was never recovered. A search was launched immediately by the skipper and the crew of the vessel, but without success. This person was very inexperienced, and was either on his first or second trip at sea. He also was not wearing a PFD.

Two other persons died near Mallacoota in July 2001 when their 51-foot timber trawler broke up and sank in heavy seas whilst en route to Eden after fishing in Victorian waters. We located the vessel on the bottom near an area known as Iron Prince, just short of the New South Wales border. The vessel was located only about 200 to 300 metres from the shore. Of the two fishermen who perished only one body was recovered. That person not wearing a PFD. We can only presume that the second person was not wearing a PFD either, as his body was never recovered. Even though this event happened in extremely rough conditions, the vessel was not far from the shore and there was a real chance of surviving.

Two men were also killed in an incident near the Lakes Entrance bar approximately 10 years ago. Again the facts are not clear as all on board were lost, but it would appear that the vessel was trawling for prawns at night just outside the surf break when it was either struck by a wave and capsized, or its gear became entangled in the propeller or rudder, which disabled the vessel causing it to go into the surf zone and roll over. Again it would appear that both these persons on board were not wearing PFDs or buoyancy aids at the time.

The other incident involved the young child of a skipper who was unfortunately killed after being caught up in winching gear on board the vessel. The wearing of a PFD on this occasion would have had no bearing on the incident, but it did highlight the dangers of working on board fishing vessels and in and around moving fishing
gear, such as ropes, pulleys and niggerheads. All these matters have been subject to coronial investigation by the State Coroner.

In the argument of buoyancy aids versus no buoyancy aids, over the years I have raised this matter of shipboard safety on professional boats and the way vessels were set up to perform fishing operations. It is a long-winded argument over what is the right way to do it and what is the safe way, having regard to the machinery installed on the vessels. It was highlighted when a young boy lost his life on his father’s trawler. As we are all aware, Marine Safety Victoria, or the old Marine Board of Victoria, was responsible for the survey of all professional fishing vessels in the state. Surveys extend to the seaworthiness of the vessel and its ability to work in conditions likely to be encountered in its area of operation. The surveys also extend to all the safety equipment that required to be carried on board, its maintenance and its stowage.

Their brief did not really extend to the safe working practices on board the vessel as far as the fishing operations were concerned. The matter of work safety was not really addressed by anybody at that stage. However, WorkSafe Victoria was slowly becoming involved, especially as several on-board incidents around the state, including ours, had occurred. To the professional fishermen’s credit, they were quick to take up suggestions of work safety and their practices have improved over the years. WorkSafe now plays a large role in the marine industry and most fishermen are keen to make their work practices safer.

The matter of compulsory wearing of PFDs has also been raised. It is currently undergoing a review by WorkSafe and the fishing industry. In the middle of last year I addressed a conference on this particular issue that was held at the TAFE and Foretech complex at Lakes Entrance. This conference was well attended by Marine Safety Victoria, WorkSafe, Victoria Police, safety equipment manufacturers and numerous professional offshore and inshore fishermen. I was very impressed by the attitude of the fishermen who certainly were not against the idea of wearing PFDs, but they wanted to have something that was both safe and practical to wear in their workplace. They were shown many types of buoyancy garments, which they evaluated on the spot and they were honest in their appraisals.

During the conference I raised the issue of the number of incidents where fishermen have fallen overboard. I already knew that there were many unreported incidents of this nature, but I was surprised that every fisherman admitted that either he or one of his crew had fallen overboard at some time. One gentleman had fallen overboard three times in his long career. Each one of those incidents was a potential fatal accident.

The fishing industry has joined forces with MSV, WorkSafe and equipment manufacturers and to do appraisals of the available equipment on board vessels. These appraisals are nearing their conclusion. I recently contacted a Mr Sam Beechey of the Australian Workers Union, who is working closely with WorkSafe on the issue. He informed me that trials are still continuing and they expect to present a paper in June 2004. He also informed me that the final submission is being prepared by Mr Steve Cowley of the University of Ballarat. WorkSafe intends to put out guidance material on the issue in August of this year for comment and then present final guidelines in January or February 2005.

The partnership between MSV and WorkSafe Victoria appears to be going well, with a common goal to improve safety on board professional fishing vessels. There is a modern trend for other professional boat operators to wear PFDs when working on board their vessels. This includes the Victorian water police, fisheries officers, volunteer search and rescue members, Gippsland Ports, and other offshore industries such as Esso. Obviously working conditions in these groups are somewhat different from those of professional fishermen. We are not normally working around nets and other tackle which can catch on exposed safety gear that is causing problems. There are certainly some types of flotation equipment available which would meet the needs of the industry.

In summing up, I am sure that if all the persons who have died in my area had been wearing a PFD most, if not all, would still be alive today.

The CHAIR — Thank you very much, Richard.

Mr WALSH — Richard, when your people out on the water they always wear a PFD?

Sgt MOSTARD — Not always, but generally speaking in the conditions where it is going to be subject to bad weather or working on board deck or forward of the deck, we certainly wear PFDs.
Mr WALSH — So you have some rules of operation that say when they will and when they will not wear them?

Sgt MOSTARD — Basically, yes.

Mr INGRAM — Can you compare the seven fatalities over — — ?

Sgt MOSTARD — Over, say, 19 years.

Mr INGRAM — Can you compare them with the recreational fatalities in the same area for the same time?

Sgt MOSTARD — I have not got the exact figure but recreational would far exceed that.

Mr INGRAM — Is that because there are more recreational boats? Arguably the commercials will be out often in rougher conditions and for longer periods of time.

Sgt MOSTARD — I think it gets back to experience. We have a lot of possible heart attacks and things like that. People fall out of boats — out of tinnies — so they are a bit different. But I think the experience of the professional boat operators is somewhat better than that of the amateurs. Most amateur ones are people falling out of boats, tipping over in rough seas and crossing bars — those types of things.

Mr INGRAM — Were they wearing PFDs?

Sgt MOSTARD — Of all the people I have recovered I have only ever had one wearing a PFD, and that was an ill-fitting PFD — in nearly 20 years of water policing.

Dr NAPTHINE — Richard, I am reluctant to raise this but I had better do it on behalf of the people who have raised it with me. You mentioned that one of the deaths that you reported on had severe propeller lacerations. I understand it was a fellow fishing with his father and they were in two separate boats. Is that the one?

Sgt MOSTARD — That is the one, yes.

Dr NAPTHINE — It has been put to me that if it were compulsory for people to wear PFDs they would actually rise quicker when they fell over and they would be more likely to be run over by their own boat, and hence you run a higher risk of that type of injury.

Sgt MOSTARD — In that incident — it is all speculation — it would appear that he went over the back of his boat and then came back up underneath his propeller.

Dr NAPTHINE — Because the boat circles or something like that.

Sgt MOSTARD — We are not really sure whether the boat hit him by that or he went straight over and straight up. If he went straight over wearing a proper lifejacket, he would not have gone under the propeller in the first place, so he might have had cut legs. If the boat is coming back around, personally I would still like to have the PFD on.

Dr NAPTHINE — I would not necessarily disagree with you; it was just that the case had been put to me.

Sgt MOSTARD — These matters about the wearing of PFDs are raised quite often — whether they are more dangerous than safe. Like when crossing the bar, people say that if you have a PFD on you get stuck inside your boat, you cannot get out of the boat. So there are all these sorts of issues that are raised. But they have been addressed, too. Like when crossing the bar now they suggest that you stand outside the wheelhouse so that if you do go over at least you are out in exposed water and not stuck inside the wheelhouse.

Dr NAPTHINE — Many commercial fishermen wear waders or semi-waders?

Sgt MOSTARD — Correct.

Dr NAPTHINE — These are seen as potentially dangerous, if you fall over?
Sgt MOSTARD — Correct.

Dr NAPTHINE — Are there alternatives that people should be wearing rather than these?

Sgt MOSTARD — We have actually some tests on that from my office. Not that we condone people wearing waders, but we have actually gone into pools wearing waders and a buoyancy vest and have swum around to our heart’s content; it has not been an issue. The problem with waders is the panic that sets in to get the waders off that kills you. I do not know if you have been prawning or floundering wearing waders, the waders are stuck to your legs because there is no air in there. Once the water gets inside the waders they actually come off quite easily. People panic and try to get them off while the rubber is grabbing their legs and that is what actually drowns them, because they are in a panic situation. If you actually jump into a pool with a pair of waders and a buoyancy vest or lifejacket on, you are very, very comfortable and you will float. I do not condone people doing it.

Mr INGRAM — A majority of fishermen are using wet-weather gear, not necessarily waders?

Sgt MOSTARD — Correct, so they are wearing sea boots and a wet-weather pants, so the water can actually pass through.

Mr MITCHELL — Richard, has alcohol ever been an issue?

Sgt MOSTARD — On professional boats?

Mr MITCHELL — On professional boats, that you have found?

Sgt MOSTARD — I have never found that to be an issue. I have no doubt it happens. Certainly in recreational boating alcohol was a major issue until the laws about drinking on boats were changed and.05 came in. It virtually stopped overnight with that legislation. On the fishing industry, I think you would probably have to speak to more people within the industry because I have no doubt that people do have a few trips while they are out there.

Dr NAPTHINE — Just on that subject, what about drugs?

Sgt MOSTARD — I think the same issues apply. There are plenty of rumours going around that drugs are used out on boats.

Dr NAPTHINE — I heard a story that one of the fatalities was of a person who had high levels of recreational drugs. Did you have any evidence of that?

Sgt MOSTARD — I do not know anything about that, no.

The CHAIR — Richard, thanks very much again for giving us your submission and your time today. You will get a copy of the transcript so that any matters of fact or grammar can be corrected, but not matters of substance.

Witness withdrew.