

Mr Eric Lumsden  
Director General  
Department of Planning and Infrastructure  
GPO Box C102  
Perth WA 6839

Dear Mr Lumsden

**Amendment of Regulation 19C, Navigable Waters Regulations 1958**

Recfishwest is writing to request that consideration be given to amending the Navigable Waters Regulations 1958 *Regulation 19C; Master to display diving signals during diving.*

It is our understanding that since an amendment of the regulations in 2003, the need to display an International Code Flag "A" (*dive flag*) has been removed when a diver is operating from a boat using a combination of snorkel on the surface and free diving. Recfishwest is concerned that breath-hold spearfishers are actually at greater risk of a collision with a vessel than an air-assisted diver because of their need to come to the surface regularly. In spite of this increased inherent risk, breath-hold divers have no protection under the regulations.

A recent accident where a vessel collided with a free dive spearfisher whilst he was flying the *dive flag* brought this to the attention of Recfishwest.

Most breath-hold divers already choose to fly a *dive flag* when in the water and it is a common perception that they are afforded the same cover as an air assisted diver. Recfishwest is concerned that if a breath-hold diver does choose to fly the *dive flag* that they could in fact be liable to an offence.

Recfishwest understands that including snorkelers under the requirement to fly the *dive flag* could prove difficult around beaches and bays that have high vessel traffic e.g. Rottnest. Recfishwest believes that people swimming close to shore with a snorkel, or those just swimming, should be adequately protected by speed restrictions placed on vessels approaching within certain distances of the shore and designated anchorage areas. Breath-hold free divers often operate well away from shore.

Recfishwest would like to propose a meeting with representatives of breath-hold divers, the boating industry and DPI to progress this issue further.

Please feel free to contact me on (08) 9246 3366 should you require any further information or clarification on this issue. I look forward to discussing this issue further with a nominated officer from your Department.

Yours sincerely

Kane Moyle  
Policy Officer

23 May 2008

CC Hon Jon Ford, Minister for Fisheries  
Doug Bathgate, Chair RFAC

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**Chairman** – Craig Leatt-Hayter  
**Executive Director** – Frank Prokop

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