

From: Stephen Wells
To: [Select Committee on Personal Choice and Community Safety](#)
Subject: Submission for inquiry into personal choice and safety
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Dear members of the Committee,

I hereby submit my contribution to the “Nanny State inquiry”.

In June of 2015 a video was uploaded to the internet of a young girl in a home pool in the USA getting into difficulty whilst attempting an underwater backflip wearing a mermaid tail. The video went viral, made the National News in Australia and caused a knee jerk reaction amongst Local Council pool managers across the Country and, indeed, across other parts of the world. Mermaid tails were deemed “dangerous” and a blanket ban against their use in Public Pools was implemented almost universally.

Never mind that the girl in the video could barely swim without a mermaid tail (as later confessed by her mother). Never mind that not one single death has EVER been recorded due to the use of wearing a tail. Never mind that the majority of people wearing mermaid tails were adults, not children, and that many had made careers out of dressing up and swimming as a mermaid. Never mind that many Councils still remained happy to hire Mermaids, to swim in “Houdini tanks” and in the Ocean for special events. In public pools they were banned! For everyone. It wasn’t even possible to exclusively pay for a lane to practice in. Scuba divers: no problem. Mermaids? Not under any circumstances!

In 2017, my wife worked very hard to secure an exemption from the ban at Beatty Park swimming pool in the Town of Vincent shire. Agreeing to sign waivers of liability and follow registration and a strict set of rules, my wife and friends could now enjoy their hobby in at least one pool in WA!

The relief was short lived, however. January of 2018 tax payers funded a Perth-based review on the safety for children wearing mermaid tails or mono-fins, conducted by Royal Life Saving WA via the Australian Competition and Consumer Commission. 25 children between the ages of two and twelve were tested by people with zero experience wearing mono-fins or mermaid tails. The predictably negative results, were splashed all over Perth evening news, with reporters filming at Beatty Park. Ironically telling viewers about how much more difficult swimming with a mermaid tail is, whilst behind them a little girl can be seen swimming like a fish in her tail and then jumping out of the pool like a seal.

The main problem with the RLS report was the fact that they had taken children as young as two to test. All mermaid tails sold have a “not suitable for children under seven” label on them. But this didn’t deter the Council Pool managers from acting to “protect safety”. At Terry Tysak pool in the Council of Stirling, two high profile, professional mermaids had an exclusive exemption to train in the diving pool. They had performed on Australia’s Got Talent in a “Houdini tank” with a synchronised swimming routine. They are hired to swim for the tourists at the end of Busselton Jetty, 1.8km out to sea and in 8m deep ocean water. But the manager saw the TV and the next day the exemption was rescinded. It was like banning an engineer from building a model bridge with LEGO because of the risk of a choking for toddlers!

My wife and I complained to the Stirling Council and eventually the ban was overturned and now Stirling Council pools also have certain conditions where mermaids are allowed to swim. They involve a pre booking to warn staff in advance, signing a liability waiver, paying extra to book a pool or lane and bringing a “spotter”. Someone who must be at the side of the pool and watch vigilantly for the entire swim “just in case”.

Other friends have also succeeded in getting permission at a couple of other pools now too. Again, with severe rules and restrictions. Rules, that I should mention, that have nothing to do with not infringing on the ability of other patrons to enjoy themselves. The above examples are the GOOD cases. Many pools and Councils won’t negotiate at all. Mermaid tails are “dangerous” and that’s that!

In November of 2016 and 2017 an adult mermaid event or “Mercon” was held in Busselton. In 2017 this resulted in over 50 adults swimming in their tails for two hours at the end of Busselton Jetty. They came from all over Australia and included a few international guests as well. Because a mono-fin is a swimming AID not a swimming hindrance, the mermaids of varying swimming ability remained in the water longer than any of the “helpers” whom we had brought along to look after them. The event brought great publicity for tourism for the

area, as do many other mermaid events around the State. I am actually reluctant to tell you about them in case instead of seeing the absurdity of what has happened, that it's ok to swim in the oceans of WA but not in the swimming pools, Politicians and bureaucrats will read this and decide to ban tails in the ocean as well!!

How did this Country and this State get so bad? Why were Pool managers and local Councils ever given the responsibility to look after the safety of adults in public facilities in the first place? As a member of the public and shareholder of these places, all I want is for managers, bureaucrats and politicians to make the FACILITY safe! Not me! No one should ever have been given the right to dictate what is safe for adults. As long as I am not hurting anyone else or impinging in their ability to enjoy themselves, it's MY choice, not yours!

Perhaps the politicians should look at the liability laws. The insurance laws. Perhaps the answer to this madness lies there. Perhaps this is the origins of it and we need to put liability back with the individual and their behaviour. Then, perhaps, responsibility can be put back where it belongs too. This would be something the State Government could do and perhaps local councils will slowly change their behaviour in response to changes at the top, to what it used to be before the Nanny State became so oppressive.

Yours sincerely,

Stephen Wells

Perth Merfolk representative