

LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

BEACHES AND BEACH RESERVES AMENDMENT
LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Cottesloe resolved on _____ 2019 to make the following local law.

1. Citation

This local law may be cited as the Town of Cottesloe Beaches and Beach Reserves Amendment Local Law 2019.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local Law

In this local law the *Town of Cottesloe Beaches and Beach Reserves Local Law 2012* as published in the *Government Gazette* on 12 July 2012 is the principal local law. The principal local law is amended.

4. Preliminary

The principal local law is amended as follows –

5. Part 7 amended

In Part 7 after clause 7.1 insert –

7.2 Fishing by means of fishing line containing metal wire or chain prohibited

Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook.

6. Schedule 1 amended

In Schedule 1 –

(a) insert after Item 21 –

22	7.2	Fishing by means of fishing line containing metal wire or chain	\$500
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(b) renumber items 22 and 23 accordingly.

Dated _____ 2019.

The Common Seal of the Town of Cottesloe was affixed by authority of a resolution of the Council in the presence of –

_____, Mayor.
_____, Chief Executive Officer.

Subject: 2018.10.26 email LSVB to Town [Suggested Purpose & Effect - Draft Local Law]

From:

Sent: Friday, 26 October 2018 10:40 AM

To: Garry Bird

Cc:

Subject: 2018.10.26 email LSVB to Town [Suggested Purpose & Effect - Draft Local Law]

Dear Gary

Principal Local Law

In the minutes of the of the Council decision adopting the Principal Local Law – on 28 May 2012 – the following was noted –

- *“The Purpose of the local law is to control usage and behaviour within the beach and beach reserves and to protect and conserve the beach reserves.*
- *The Effect of this local law is to extend the control over the beach and beach reserves.”*

Proposed Amendment Local Law

We suggest the following purpose and effect for the Proposed Amendment Local Law for the Town to use as part of the process to achieve gazettal –

- *“The Purpose of this local law is to prohibit fishing with a line containing metal within the beach and beach reserves.*
- *The Effect of this local law is to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 and prohibit fishing with a line containing metal within the beach and beach reserves.”*

The purpose and effect could be worded in various forms and still satisfy the statutory process. Please get back to us if the Town has a particular view that it would like to put to us on the wording and/or a preference for us reconsider our above suggestion.

Invoicing update

You might recall we provided a costs estimate of \$4,000 (ex GST). The scope of that estimate was for the work we have already completed up to the point of my email on 4 October 2018 (which has already been invoiced re Purchase Order# 51998) and a future meeting at the Town.

As there is remaining surplus in our estimate (set aside for a future meeting), we can invoice our work in researching and preparing this email against the same account (Purchase Order# 51998). This would mean that you could leave raising another purchase order to if, and when, a future meeting is arranged and only if the time involved for us to prepare for and attend that meeting will exceed our original estimate.

In light of the above, please confirm if you would like us to stick with Purchase Order# 51998 for all our work to date?

Otherwise, if you prefer we invoice our latest work separately then please get back to us with the new purchase order? Our estimate for this is \$500 (assuming no further reworking of our suggested purpose and effect is required).

Please feel free to call my direct line

if you would like to discuss any of the above.

Kind regards



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From: Garry Bird [mailto:dceo@cottesloe.wa.gov.au]
Sent: Tuesday, 23 October 2018 1:49 PM
To:
Subject: RE: 2018.10.04 email LSVB to Town [Advice & Draft Local Law]

Good afternoon

Thank you for the advice. It is excellent.

I plan to take to a Council briefing in early November and may have some follow up queries at that time if that is okay.

In the meantime, could I ask for you to draft a “purpose and effect” as required under the Act for such an amendment.

I appreciate this will be invoiced separately to the main part of the work. Can you please give me an estimate of this cost so I can issue a separate purchase order please.

Thank you.

Garry Bird
Deputy Chief Executive Officer



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Please consider the environment before printing this email

From:
Sent: Thursday, 4 October 2018 11:29 AM
To: Garry Bird
Cc: Elizabeth Nicholls
Subject: 2018.10.04 email LSVB to Town [Advice & Draft Local Law]

Dear Gary

Attached is our advice and draft of the proposed amendment local law.

Please respond if there is anything you would like to discuss or query, following your review of these documents. Feel free to call my direct line anytime

Thank you again for your instructions.

Kind regards



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LSV Borrello Lawyers

Our Ref: JS:MP:18601W
Enquiries:
Direct Line:
Email:

4 October 2018

Garry Bird
Deputy Chief Executive Officer
Town of Cottesloe
109 Broome Street
COTTESLOE WA 6011

Email: dceo@cottesloe.wa.gov.au

Delivery Method: Email

Dear Gary

Legal Advice and Services – Amendment to Beaches and Beach Reserves Local Law

Instructions

1. Thank you for your instructions for legal advice with respect to the *Town of Cottesloe Beaches and Beach Reserves Local Law 2012 (Principal Local Law)*.
2. We note that our instructions are to –
 - (a) prepare a draft amendment to the Principal Local Law (**Draft Amendment**) for the Town to consider; and
 - (b) provide comment on State Government requirements and risks of disallowance.

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Draft Amendment

Objectives

3. Councillors of the Town are concerned to strengthen the prohibition on fishing for sharks and applicable penalties.
4. The Principal Local Law prescribes a prohibition on fishing for sharks: clause 7.1(a).
5. This offence has a subjective element, which we understand has made it difficult to prove and prosecute. There is a concern that the activity is not being adequately addressed and the offence is not providing the adequate deterrence.
6. We understand the Town wishes to introduce a strict liability offence for an activity that – in practical terms – is exclusive to fishing for sharks.
7. We have been provided with copies of correspondence with the Department of Fisheries (**Department**), which suggests prohibiting fishing with a wire trace to achieve the appropriate “strict liability offence”.
8. That correspondence refers to such a prohibition specific to commercial fishing, which the Minister ordered under the *Fish Resources Management Act 1994*, published in the Government Gazette on 30 December 2008.
9. We have further consulted with the relevant officers from the Department as part of preparing this advice. Their comments reiterated the relevant considerations that they set out in their correspondence directly with the Town. Unfortunately, they did not have any direct experience with enforcement action involving recreational shark fishing offences or strict liability offences involving fishing with a wire trace.
10. The Town may want to further investigate whether there may be unintended consequences of prohibiting fishing with a wire trace. For example, prohibiting certain fishing that is not for sharks.
11. Any community concerns about unintended consequences could be evaluated during the advertising required under the *Local Government Act 1995*, if the Draft Amendment is progressed.

Form of the Draft Amendment

12. We have prepared the Draft Amendment and enclosed it for the Town’s review.

13. We have considered alternative ways of framing the Draft Amendment. However, in view of the consultation with the Department, it appears that a simple “strict liability offence” is the only practical mechanism to add to the existing subjective offences that prohibit shark fishing (ie in both the Principal Local Law and the *Fish Resources Management Regulations 1995*).
14. The Draft Amendment simply proposes a prohibition for anyone fishing with a metal trace. The wording is consistent with the Minister’s order under the *Fish Resources Management Act 1994* referred to above.
15. The prohibition would apply only to fishing in the foreshore areas that are referred to as the “defined area” in the Principal Local Law. This is consistent with the application of the Principal Local Law’s other restrictions.
16. The prohibition creates a strict liability offence. This means that any person fishing with a wire trace commits an offence, regardless of whether that person actually intends to fish for sharks. This will mean any prosecution that the Town pursues will not have to prove the intention of the offender, as is currently necessary with respect to clause 7.1(a) (ie intent to catch a shark).
17. Further, a modified penalty for the offence has been included in the Draft Amendment. It is up to the Town to specify an amount for the modified penalty up to a maximum of \$500.
18. As referred to above, the Draft Amendment may well function to prohibit fishing for species, other than sharks, that is normally done with a wire trace. The Town might consider it appropriate to consult with recreational fishing organisations on this implication, before progressing the Draft Amendment. Alternatively, the Town might consider it appropriate to explore such concerns during the advertising required under the *Local Government Act 1995* for the adoption of a proposed local law.

Disallowance risks

State Government requirements

19. The *Local Government Act 1995* sets out the process for making local laws in Part 3, Division 2, Subdivision 2. This process includes providing copies of the proposed local law to –

(a) the Minister once it is proposed; and

(b) the Minister and the Parliament once it is published in the Government Gazette.

20. The Minister, through the Department of Local Government (**Department**), will usually provide feedback on formatting matters, as well as flagging any subject-matter that may result in the local law being disallowed following the scrutiny of the Parliamentary Joint Standing Committee on Delegated Legislation (**Committee**).

21. The Committee has terms of reference that it expects delegated legislation to conform with. Relevantly, Schedule 1 of the Legislative Council Standing Orders sets out the following in respect of the Committee –

“10.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –

(a) is within power;

(b) has no unintended effect on any person's existing rights or interests;

(c) provides an effective mechanism for the review of administrative decisions; and

(d) contains only matter that is appropriate for subsidiary legislation.

10.7 It is also a function of the Committee to inquire into and report on-

(a) any proposed or existing template, pro forma or model local law;

(b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and

(c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.”

22. In practice, local laws are generally only disallowed where they are –

(a) abusive or offend principles of justice (ie retrospective application or reverse onus of proof); or

(b) poorly drafted.

23. However, following a recommendation of the Committee, it is effectively open to the Parliament's Legislative Council to disallow a local law as it sees fit.
24. Local laws have been disallowed for political reasons, and a recent example of this is the disallowance of the City of Fremantle's local law banning plastic bags.
25. We do not consider the Draft Amendment as abusive or offensive to principles of justice. It is our view that the Draft Amendment will satisfy the procedural requirements for a local law.
26. It is a matter for the Town to determine how politically palatable the Draft Amendment would ultimately be to the Legislative Council.
27. We would envisage that the current political emphasis on water safety and shark attack mitigation would mean favourable treatment of the Draft Amendment. We would welcome your instructions to prepare any submission in support of the Draft Amendment should the Town proceed to adopt it following advertising.

Yours sincerely

LSV Borrello Lawyers

**Beaches and Beach Reserves Local Law - Community Consultation
Amendment to Ban Shark Fishing**

#	Name	Preference	Comment
1	Barb Dobson	Support	I write in total SUPPORT of the proposed amendment by the Town of Cottesloe (see below) Shark fishing is already prohibited by local Cottesloe law AND also prohibited under the Fish Habitat Protection Area legislation since 2001. This illegal activity which still takes place MUST be stopped at all costs. Shark fishing at popular public swimming beaches at Cottesloe, if not enforced, is a public safety issue and a liability issue. Hence this amendment is a VERY positive step by the Town of Cottesloe to educate the public about what is and what is not allowed on beaches at Cottesloe in the name of public safety. Thank you for giving me the opportunity to comment. I am aware that the video of the shark that was shown on Facebook last year swimming close to shore between Swanbourne and Grant St beaches was in the very same area where night shark baiting and fishing had taken place the night before. The unsuspecting public who go swimming early morning are unaware that at night time the same area has been used to attract sharks. By prohibiting any "fishing with a line containing metal" at Cottesloe beaches is the most practical and effective way of stopping this illegal activity. It will be a means of educating and if necessary prosecuting offenders.
2	Peter Owens	Support	I support the proposal to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 and prohibit fishing with a line containing metal within the beach and beach reserves.
3	Felicity Kermode	Support	I support the proposal to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 and prohibit fishing with a line containing metal within the beach and beach reserves.
4	Valma Ozich	Support	As a mother of 2 children and regular ocean swimmer, I think it is imperative that fishing lines with metal are banned from our beaches. I strongly believe that unless you act swiftly, you will have blood on your hands very soon. It is beyond me to grasp who thinks it's appropriate to try and attract and then fish for sharks on a popular beach strip frequented by young children. I trust you will enact the ban immediately.
5	Joan Sharpe	Support	I wish to make a submission agreeing with the proposal to ban fishing lines with metal. I'm very concerned about shark fishing in the Fish Habitat Protection Zone and hope this measure will assist in eliminating this practice.

#	Name	Preference	Comment
6	Mark Westlake (two submission received)	Oppose	<p>In order to protect fishing for Tailor (a very common and popular species caught at Cottesloe) but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <ol style="list-style-type: none"> 1. Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'. 2. Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway). 3. Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe. 4. Any steel trace over 150mm in length. Again, perfectly adequate for Tailor. (It is virtually mandatory to use wire trace for Tailor as they have very sharp teeth which would cut the line leaving hooks in the mouth and allowing the fish to swim away injured and unable to feed) <p>Whilst it would still be possible to catch a small shark using the gear as specified above it would make it extremely difficult and I feel confident there will be a dramatic reduction in people targeting sharks. Also very easy for inspectors to check.</p> <p>There are other more drastic measures that could be employed in the event these bans do not do the job.</p> <p>The proposed amendment 'Prohibit fishing with a line containing metal' would mean fishers could not use swivels, sinkers, hooks or berley cages – thus making even herring fishing impossible.</p> <p>I am a retired commercial fisherman and have been recreationally fishing Cottesloe reefs and beaches for over 50 years.</p> <p>7.2 Fishing by means of fishing line containing metal wire or chain prohibited</p> <p>Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook.</p> <p>This proposal will guarantee many Tailor swim away with hooks in their mouth, unable to feed and die of starvation. Totally unacceptable.</p> <p>The solution is " no steel trace greater than 10kg breaking strain or 150mm in length to be used".</p> <p>BUT: Rangers cant force fishers to wind their gear in for inspection.</p> <p>SO: The real solution is to ban fishing reels used for shark fishing which can be SEEN by Rangers.</p> <p>IE: " no Trolling Reels to be used"</p> <p>It is IMPOSSIBLE to cast these reels (baits must be taken out on a surf board or similar)</p> <p>They can be identified with 100% certainty and charges laid on the spot.</p> <p>Both suggestions should be implemented.</p> <p>These are rational pragmatic proposals coming from a recreational and professional fisherman of over 50 years experience.</p>
7	O L Westerlund	Oppose	<p>In order to protect fishing for Tailor but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <p>Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'.</p> <p>Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway).</p> <p>Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe.</p> <p>Any steel trace over 150mm in length. Again, perfectly adequate for Tailor.</p>

#	Name	Preference	Comment
8	Robyn Benken	Oppose	<p>I was a community participant in the campaign to have a FHPA proclaimed over Cottesloe Reef. This campaign had great community support and it is tragic that shark fishing, though banned, continues, mostly at night and is unable to be stopped. The fact that we have some protection in our FHPA for wildlife has created a very special, beach accessible snorkelling zone in the metro area. Dead and dying sharks and blood in the water is a terrible state. Banning the gear required to catch sharks may help this unfortunate situation. However fishers of Tailor need to be able to go about their legal recreational fishing. I understand that the points below should assist in this amendment.</p> <p>In order to protect fishing for Tailor but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <ol style="list-style-type: none"> 1. Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'. 2. Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway). 3. Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe. 4. Any steel trace over 150mm in length. Again, perfectly adequate for Tailor
9	Rob Moline	Support	<p>I'm totally in favour of this amendment. Thinking about those youths who used to go shark fishing in the evenings at Vera View beach, trying to lure great whites in amongst the late swimmers by paddleboarding out and strewing berley. And thuggishly attacking swimmers and dogwalkers who asked them not to.</p> <p>As importantly, how are you going to enforce the law? No shortage of people reported those youths to Cottesloe rangers and also to Fisheries, but no-one official ever came to see/warn/arrest them.</p>
10	Judy Rule	Support	<p>I support this proposal to prohibit fishing line containing metal wire or chain. Apart from prohibiting shark fishing from the beach, metal is a hazard to swimmers and dogs on the beach.</p> <p>I don't think there should be any recreational fishing off Cottesloe because as a scuba diver and snorkeler there is very little fish life of eating size off our beaches. When I see people down at North Cottesloe fishing, I am always amazed at the small size of the fish they catch and take home. If our reefs are nurseries for fish, numbers are bound to reduce.</p>
11	Geoff Kimpton	Oppose	<p>Cottesloe council is completely over the top regarding the banning of wire traces for fishing. You should but out of fishing regulations and leave it to the Fisheries Department.</p>
12	John Bennett	Oppose	<p>I cannot see the logic of banning wire traces when fishing. There will clearly be more bitten off hooks and dead fish with hooks in their bodies washing up on the beach if wire traces are banned. A wire trace will disintegrate/rust at about the same rate (thinner than hook metal so probably rusts faster) as ganged sets of hooks and in itself is not poisonous, environmentally polluting like plastic, lead sinkers, or rigid/sharp enough to penetrate a foot. The greater number of hooks ending up on the beach when wire traces are not used surely will mean a (probably a miniscule number wash up either way) bigger rather than smaller number of hooks in feet of swimmers and people walking on the sand. When I go fishing it is always on a sandy beach somewhere, I have been doing this regularly for close on 75 years now. I always fish barefoot and have never had a hook in my foot anywhere. I have occasionally seen discarded/lost hooks on jetties and rock shelves and always pick them up and discard in bins.</p> <p>Please tell me what reason there could possibly be for such a Local Govt rule extending beyond the low water mark or jetties? These 'beyond' areas are outside council jurisdiction as I understand the legislation anyway, slightly grey concept I suppose as stopping boats, people fishing and surfboards where people are 'swimming between the flags' is a good (logical) requirement.</p>
13	Ken Hopgood	Oppose	<p>Lay off the fishermen of your council area, and the the rules you propose are ridiculous and over step your authority.</p> <p>LEAVE FISHING RULES ALONE , WE ARE GOVERNED ENOUGH.</p>

#	Name	Preference	Comment
14	Daryn Bungey	Oppose	<p>1. I'm writing to you with my concerns and my thoughts echo Recfish</p> <p>2. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy.</p> <p>3. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat.</p> <p>4. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. (bloody stupid!)</p> <p>My position on the creation of Local Laws to manage recreational fishing: Recfishwest believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia. Local Government Authorities (LGA's) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements. Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. Recfishwest do not believe LGA's have the necessary fisheries management experience or skills required to govern recreational fishing. Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA's, separate and confusing local laws governing fishing activity is something that must be avoided.</p>
15	Pat Tomkinson	Oppose	No local council should stay out of fishing laws we have a fisheries department and you little hitlers have to remember we vote you in we can vote you out
16	Craig Mather	Oppose	<p>This email is in regard to the proposed introduction of specific fishing rules in the cottesloe council area. I am very against this idear. Fishing state wide is governed by strict rules and regulations that are inforced by fisheries officers. To have more rules in just one area of our vast coast line will not only be hard to police and enforce but will confuse people as to what fishing activities are allowed. And where will it all end.</p> <p>Please consider this email when making your decision.</p>
17	Greg George	Oppose	<p>I strongly disagree with the new proposal you plan to put in place in regards to wire trace when fishing for fish .</p> <p>Are there any council members that are fishers ?</p> <p>If there are ask them how the wire trace would effect theme not much I suspect .</p>
18	Nev Blechynden	Oppose	Most fishermen only use the wire traces for tailor I have been fishing for 50 years and never used one but have been bitten off plenty of times.I can't see your reason for banning them,What's next fishing line come on a bit of common sense needs to be used here.

#	Name	Preference	Comment
19	Daryl McIver	Oppose	<p>My name is Daryl McIver and I have lived in Western Australia since 1989 with my own family but my family history is 5 th generation Western Australian with my family given land to work and improve in the southwest in colonial days(Reynolds and Vollrath). I have been a fisherman my entire life and have seen the introduction of more and more rules and regulations coming in to our community, often times without thought of those that actually do the fishing and what they bring to the economy.</p> <p>In most instances it costs a recreational fisherman more to catch a fish than if they simply went and bought it. For the most part the fishing rules that are in place make this state brilliant for recreational fishing. The state is already divided into zones of which the Cottesloe Council sits in the West Coast Zone, with it being one of the most strict and constricted and congested fishing zones. To introduce more rules into this area will simply cause more confusion and anger. I think it will also cost the council quite a bit to try to police extra unnecessary rules.</p> <p>I am unsure why it is that you want to introduce a new rule that will have no discernible benefit to fish, fish habitat, the environment or the people within your council borders.</p> <p>If all the councils in Western Australia followed suit and introduced their own rules and regulations on top of the current Fishing regulations, it would see fisherman across the state unlikely to visit places that make it difficult for them in their favourite pastime. It would also mean an extra 137 rules if each council only introduced one rule each. The state government already have significant investment in fisheries and compliance.</p> <p>Please take my concerns into consideration while debating your proposed rule changes.</p>
20	Albert Rowland	Oppose	<p>To what possible gain does banning wire fishing traces on your beaches achieve apart from another silly rule it appears all you want to do is discourage any activity apart from what your counsel says Why not stop people swimming there think of the money saved you could put it to other uses may be banning cars & people from streets such an idea as this is a blatant attempt to control people who love fishing I cannot think of any local govement body that tries to control what it does not own . How are you going to police this by getting a boat to go and check what trace is fitted to a line from a boat as you are trying to extend this stupid idea aut to 800 meters off shore please do what your suppose to manage what you know not a bad thing like this</p>

#	Name	Preference	Comment
21	John Jury	Oppose	<p>My name is John Jury I am a recreational fisherman and use most beaches on the WA coast to undertake my fishing activities.</p> <p>I wish to lodge the strongest opposition, to the proposed changes to the council bylaws relating to the use of lines containing metal within the beach reserves. You proposed changes are in short – ill conceived and poorly thought out for the following reasons.</p> <ol style="list-style-type: none"> 1. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy. 2. We note the Town of Cottesloe’s proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state’s 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>My position on the creation of Local Laws to manage recreational fishing is: I believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia. Local Government Authorities (LGA’s) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements within their jurisdictional boundaries.</p> <p>Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. I do not believe LGA’s have the necessary fisheries management experience, skills or resources required to govern recreational fishing.</p> <p>Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA’s, separate and confusing local laws governing fishing activity is something that must be avoided.</p> <p>In summary I advise that the council should drop this unenforceable agenda and not waste ratepayer funding on unenforceable new laws (really is a ranger going to be on the breakwater at 11pm checking the fishing equipment in use – I don’t think so).</p> <p>I look forward to your response stating the proposal has been rescinded.</p>
22	Jeremy Hustwitt	Oppose	<p>I write to you to object to fishing rules being changed by Councils. I think this should be left to local governments and Recfishwest.</p>
23	Laurie Twigg	Oppose	<p>I wish to express my concern that the Cottesloe Town Council is proposing to ban the use of wire traces (metal) in fishing rigs within the Town of Cottesloe. Such a proposal is clearly ill-conceived and seeks to impose changes in areas outside your jurisdiction. The Town of Cottesloe has no authority to enforce sanctions 800 m out to sea. That is, the Council has NO power to preside over what fishers do or do not do when out fishing in their boats.</p> <p>Furthermore, current fishing regulations are managed by the WA Fisheries Department, with well researched and considered regulations that are best practice for the ongoing sustainable management of this public resource. Considerable consultation and sacrifices have been undertaken to reach this endpoint with simplified, consistent, State-wide regulations. Any additional regulations imposed by local Councils will only lead to confusion, particularly if ALL relevant Councils decide that they too would implement their ideas for Fisheries Management. Such ideas are unlikely to be based on sound research and management practices, as few Councils would have the necessary skills and experience to develop sound practices which are consistent with the State-wide objectives. We could have up to 137 Councils making such changes if such proposals were implemented, leading to unnecessary and undesirable ‘chaos’ and uncertainty. Legislation that attempts to solve one issue, but creates another is generally poor public policy. Clearly, State-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia.</p> <p><not provided in full due to size></p>

#	Name	Preference	Comment
24	Craig Mather	Oppose	This email is in regard to the proposed introduction of specific fishing rules in the cottesloe council area. I am very against this idear. Fishing state wide is governed by strict rules and regulations that are inforced by fisheries officers. To have more rules in just one area of our vast coast line will not only be hard to police and enforce but will confuse people as to what fishing activities are allowed. And where will it all end. Please consider this email when making your decision.
25	Anthony Willetts	Oppose	I am writing to voice my extreme concern over the proposed changes to the local law regarding fishing using metal trace. As a avid fishermen (all throughout the state both by boat and land based) i often utilize wire trace when fishing for certain species that have sharper than normal teach (Tailor, Mackrel, Tuna etc). This has absolutely nothing to do with shark fishing (from my understanding the reason you are planning to impose this rule is to try and rule out shark fishing from your beaches). What you are doing here, is penalizing a large number of fishermen to try and make it easier for yourselves to police an existing rule. I believe the proposed ban extends 800m out from the high water mark (basically covering the extent of the Cottesloe reef) however it must be considered that although shark fishing within this reef is prohibited, fishing for tailor etc is not. I urge you to look at the bigger picture here, and also consider how this could possibly be policed. I mean, are you planning to enforce that nobody fishing in these areas can have wire trace in their tackle box / on their boat etc? How could you prove someone is fishing with wire trace unless you actually catch them with the rod and line in the water? What about out of towners (like myself) whom know the rules for fishing in the region as defined by the department of fisheries, but would not expect a local council to have its own regulations on what tackle can be used? Perhaps it comes down to a local government needing to mind their own business, and let the department of fisheries etc worry about the fishing?
26	Dean Campbell	Oppose	I reject you proposed law to ban the use of wire traces at Cottesloe beach. I regularly chase specific species which require me to use a wire traces. i.e mackerel, tuna and stingrays. However, why should I be and many other responsible fishers be denied a source of food in the event we accidently catch a shark. I can tell you if its a gummy shark or Bronze whaler I am keeping it to eat. They are bloody beaut in batter with home made chips. Oh a tip!! make sure you double fry the chips they come out nice and crunch and soft in the centre. Happy to give you the chip recipe if you want it.. So the City of Cottesloe, you have to give us a fair go and by the way when do you control the oceans? I thought this was managed by the Dept of Fisheries. Regardless of what silly rule you implement you won't stop me any probably many others from using a trace. Good Luck with your silly proposal
27	Anthony O'Mahony	Oppose	Your recent proposal to introduce a ban in the use of wire trace whilst fishing, I believe is an overstep of your mandate and an unnecessary introduction of local legislation that is going to inadvertently harm people who wish to catch fish that are allowed to be caught and kept in the Cottesloe Fish Habitat Protection Area (CFDPA). The use of wire trace is used for a vast variety of species of fish. This includes but is not limited to tailor, mackerel and other varieties of pelagic and demersal fish. These species of fish are allowed to be taken within the CFDPA and by restricting the use of wire trace you are effectively restricting the allowable take of these fish species. Fisheries legislate and enforce the location, methods and number of fish that can be taken in the state of Western Australia. Therefore it is their role to decide what kind of fishing equipment may be used to catch fish species within our state waters whether they be unregulated, sanctuary's or the CFPDA. <not provided in full due to size>
28	Jason Payne	Oppose	I oppose the wire trace ban, can you please inform me how & why the council has come to this reasoning
29	Joseph Laundry	Oppose	I oppose the amendment of local law prohibiting the use of wire trace for fishing. I believe this law is unjust and should not be enacted.

#	Name	Preference	Comment
30	Peter Sirr	Oppose	<p>Re the councils proposed fishing rules, I support the following</p> <p>Recfishwest believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia.</p> <p>Local Government Authorities (LGA's) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements.</p> <p>Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. Recfishwest do not believe LGA's have the necessary fisheries management experience or skills required to govern recreational fishing.</p> <p>Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA's, separate and confusing local laws governing fishing activity is something that must be avoided.</p>
31	Jason Potts	Oppose	<p>I would like to object to this silly proposal banning wire trace.</p> <p>You have not done your research and fishing is our right. We will fight this and I would like you to see how you are going to enforce this if for some reason it gets passed...</p>
32	Rebecca Watson	Oppose	<p>I am very concerned about the proposal to fine wire trace users in your locality.</p> <p>Firstly, fish like tailor are fun and easy to catch off the cost line, but they have very sharp teeth. If fishing without a wire trace, as soon as the fish touches your line they will sever it, meaning there is either a hook with line on it hanging out of their mouth, they have an increased likelihood of predation since they are injured. Or, that hook (bear in mind that people fish with ganged hooks for tailor, so 3 hooks together) and line is now floating around and polluting your swimming beaches, presenting a risk to the public and other wildlife, including birds, in the area.</p> <p>Secondly, the proposal to expand this distance out to 800m means that on my boat I am also subject to these rules. How will this rule be advertised? I have only heard about this through Recfishwest, who have considerable reach in comparison to yourselves. As this will effect people launching from many places in the Perth metro you cannot simply tell the people who live in your locality, or have signs on the rocks but also have thinks like markers out in the ocean, or have the area marked on nautical charts. It would need to be advertised in the material that is sent to people with their boat fishing licence, as an individual council making their own rules, without peer reviewed scientific backing, is not the norm.</p> <p>If you feel as though you have reasonable grounds to have this ban, then I suggest you speak to Fisheries and if their science and experience seem it reasonable then they would implement the change themselves, making it clearer and across the board.</p>

#	Name	Preference	Comment
33	Tim Carter	Oppose	<p>My name is Tim Carter and I am the Sales and Marketing Manager for Halco Tackle Company based in Fremantle. It has recently come to my attention that the council is considering banning fishermen using wire traces not only from the shore along it's coastline but to a distance some 800m offshore.</p> <p>To be honest I had heard rumours some time ago about this push and disregarded it as some sort of joke. Unfortunately it seems now that the council is indeed seriously considering it.</p> <p>This move is highly concerning and obviously pushed by the radical green movement.</p> <p>If the intention is to stop currently legal shark fishing, I would like to make several points about this.</p> <ol style="list-style-type: none"> 1. What makes the council an authority on permitted fishing methods or species? How many on the council know anything about fishing, let alone feel they can adequately make decisions that could have serious unforeseen consequences on fishing families enjoying a healthy, safe and enjoyable pastime? Surely Fisheries WA are funded and the ones truly capable of deciding what fishing methods are appropriate in WA waters and what species can and cannot be targeted. In my opinion councils are there to provide essential services to it's rate payers, not indulge in virtue signalling of this type. 2. What kind of jurisdiction does the council perceive it has, when it is taking about waters seaward to 800m from the waters edge? I know what I would be telling any council that tried this on, and it wouldn't be particularly polite. Do you have legal advice that this is even enforceable? Will you make it public please? 3. Fishers use wire for a number of reasons, not always in regard to shark fishing. Year round Tailor are targeted legally and it is recommended practice to use a short length of wire to prevent bite offs. Each summer Spanish Mackerel run off our coast, some very close to shore, this is another species that requires wire to be used. By excluding wire from shore or even out to 800m this is highly discriminatory against law abiding anglers. 4. Halco Tackle is a Western Australian based company that makes many products, including wire traces and hook rigs with wire. We as a company have spent many years defending the rights of anglers against the anti fishing movement. We feel there is a hidden agenda against fishing at play here and we strongly oppose any ban of such products especially considering any lack of expertise in the fishing practices used along our coastline.
34	Kai Harrison	Oppose	<p>I object the changes that you are suggesting on the laws in regard to wire trace for tge following reason.</p> <p>This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy.</p> <ol style="list-style-type: none"> 2. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>Furthermore i do not understand the need or reason for this proposal as wire trace does not cause any more or less damage than braided or monofilament lines.</p>
35	Graeme King	Oppose	<p>Thank you for the opportunity to comment on your proposed law. I strongly support your proposed law on the basis it is aimed at preventing sharks being caught. For your info' I have also attached a copy of an email circulated by WA's well-resourced fishing advocacy group, Recfishwest, that effectively encourages its many members (membership is free) to challenge the introduction of the law. In lieu of their campaign you may consider asking Recfishwest what they suggest with respect to preventing sharks being caught?</p>
36	Mal Boyd	Oppose	<p>Good afternoon as a fisher person I do not agree with your proposal to ban the use of wire trace for recreational fishers. We already have state laws that I believe are adequate for recreational fishing.</p>

#	Name	Preference	Comment
37	Robert Nunn	Oppose	<p>I have been today alerted by Recfishwest to a plan by your Council to ban the use of wire traces in fishing. Recfishwest have identified three major concerns with this proposal:</p> <ol style="list-style-type: none"> 1. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy. 2. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>Recfishwest oppose this proposal.</p> <p>As a fisherman living at Sorrento I also strongly oppose this proposal for the reasons outlined by Recfishwest. I am also at a loss to understand why such a proposal was made. The wire is usually a short length attached to ganged hooks that is no threat to any person and is simply designed to stop sharp-toothed fish like mackerel and tailor from biting off hooks and likely getting the hooks stuck in their mouth leading to feeding problems and a likely death. If they are going to get hooked it is better they become a meal for people than suffer a slow death.</p> <p>In other words the wire trace is a humane way of fishing for sharp-toothed fish like mackerel and tailor. So please take this into consideration when you start trying to interfere with long established and humane fishing methods practised by people who want to maintain a sustainable recreational fishing activity in WA.</p>
38	Broderick Hosie	Oppose	<p>I am writing to you to express my concern in relation to a proposal to ban the use of wire trace by recreational fisherman, which has been brought to my attention by Recfishwest.</p> <p>As a regular fisher of Cottesloe, having the ability to use a wire trace is particularly useful for targeting a range of fish species such as tailor which would normally bite through monofilament fishing line. I am wondering if the council is considering banning the use of wire to stop people from targeting sharks within their jurisdiction and would appreciate if the council could confirm this? As a post graduate in marine science it would be fairly strange to me if one or more councillors have taken the view that fisherman targeting sharks is putting other users of the water at risk (i.e. I dont recall anyone fishing for sharks when Ken Crew was attacked in 2000). If the council wants further information on the science of shark behaviour then please feel free to get in touch.</p> <p>On a final note I find the recent news article published in relation to UWAs Ocean Institute suggesting that Cottesloe should have a marine sanctuary in place fairly concerning and not within the interests of the community. It is will known the push for marine parks by UWA is through the marine futures program there which includes affiliates of PEW charitable trusts which is a green lobby group in the United States with an Australian agenda. I would request the council thoroughly checks the background of people advising on policy in relation to the local marine environment to ensure they are best representing the interests of the broader community rather than the vested interests of the few.</p>

#	Name	Preference	Comment
39	Bill McKenzie	Oppose	<p>I DO NOT SUPPORT THE PROPOSED AMENDMENT.</p> <p>I hold a recreational fishing license for WA.</p> <p>I note the intent of the Town of Cottesloe to create a "strict liability" test to assist with enforcement of the prohibition on fishing for sharks contained in the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 at clause 7.1(a).</p> <p>To achieve this, the simplistic and naive approach has been to create the following prohibition</p> <p>"7.2 Fishing by means of fishing line containing metal wire or chain prohibited</p> <p>Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook."</p> <p>This may create a simple, objective test for liability, but has the Town investigated whether there may be unintended consequences of prohibiting fishing with a wire trace – something it was advised to do by its lawyers?</p> <p>A few questions for you to consider?</p> <p>1. Will this prohibition prevent shark fishing?</p> <p>a. Are you aware that there are alternatives to using metal wire or chain to provide a strong, abrasion and cut resistant trace?</p> <p>b. Thick nylon, woven dacron and other exotic high molecular weight polyethylene fibres can be used to circumvent your strict liability test.</p> <p>2. Will this prohibition impact fishing that is not for sharks?</p> <p>a. Are you aware that fishers targeting other species (eg tailor) routinely use wire trace due to the propensity of some fish to cut through normal monofilament fishing line?</p> <p>b. Why should these fishers be forced to use expensive, alternative traces to avoid the risk of prosecution when they are not targeting sharks?</p> <p>3. Is there an alternative objective test that could be proscribed?</p> <p>a. Have you considered limiting hook size rather than wire traces?</p> <p>It would seem these issues have not been considered and for this reason, I DO NOT SUPPORT THE PROPOSED AMENDMENT and ask that you reconsider to proposal.</p> <p>I also note that the proposed amendment is seeking to impose control over activities that take place up to 800 m offshore into an area outside the Town of Cottesloe boundary, and respectfully suggest that this is an overreach of your authority and risks being ruled invalid in any court challenge.</p> <p>I would appreciate acknowledgement of this feedback and answers to the questions posed.</p>
40	Alex le Roux	Oppose	<p>Please note that I am opposed to this proposal. I believe that fishing rules should maintain one standard, for all, across our coastline.</p>
41	Bob Rickard	Oppose	<p>The pending decision by Cottesloe Council to enact a local fishing rule concerning the banning of wire trace whilst fishing within the precinct of your local council is ludicrous and another example of local government overstepping the boundaries and legal authority of their mandated responsibilities to ratepayers.</p> <p>Your decision to ban wire trace within the coastal precinct of Cottesloe ostensibly ceases the ability of recreational fishers to catch either tailor or mackerel, as these species of fish will invariably bite off normal forms of monofilament or nylon fishing line.</p> <p>To also suggest that this ban will extend 700 metres to sea off the Cottesloe precinct shoreline also displays an arrogance beyond belief as this extends well beyond your jurisdiction or your legal ability to police such stupidity.</p> <p>We attach and support the statement from Recfishwest and their stance on this absurd proposal by your council.</p> <p>It is not in the best interest of the people to have local councils arbitrarily announcing local fishing rules, as this sets an extremely dangerous precedence. The responsibility for such matters rests with the Fisheries Department and Minister in consultation with Department for Primary Industries and Development and with input from local fishing clubs and people with knowledge of these matters like Recfishwest.</p> <p>Please let common sense prevail for a change concerning this matter.</p>

#	Name	Preference	Comment
42	Neil Porter	Oppose	I have enjoyed recreational fishing within the Cottesloe Council (as well as many other places) for many years and oppose this proposed ban. I refer you to the Recfishwest statement on the matter for details of my reasons for objecting to your proposal. This statement can be found at this site https://recfishwest.org.au/wp-content/uploads/2019/04/Recfishwests-statement-on-the-banning-of-wire-trace-within-the-City-of-Cottesloe-April-2019.pdf Please contact me if you would like to discuss this issue further.
43	Christopher Shaw	Oppose	I'd like to object to the proposal at hand as it is not within the councils rights to enforce such laws as this falls under the fisheries act. The deliberate targeting of sharks by a few individuals is something that Fisheries officers need to address and monitor accordingly. Secondly, the catching of sharks still occurs regardless of the use of wire trace. These occur in the area regardless and will often be bycatch. Wire trace is used by fisherman to target tailor and mackeral which can be caught along the beaches within your shire. From a legal stand point, the ability for the council to fine an individual for the use of wire trace within the Cottesloe boundaries is laced with litigation as it is in direct contravention of Fisheries rules and regulations. Recfishwest has loudly voiced their objection to the by law that you are proposing.
44	Rick Gowland	Oppose	JUST LETTING YOU KNOW, I/WE DO NOT SUPPORT YOUR BAN ON WIRE TRACES ON FISHING LINES ON THE BEACHES AND OFFSHORE. WE ARE USING THEM AND WILL CONTINUE TO DO SO.. IF YOUR PATHETIC LITTLE COUNCILLERS THINK THEY CAN CONTROL THE WATERS THEN THINK AGAIN... YOU NUMB NUT ARE LAUGHABLE...
45	John Wood	Oppose	I believe your proposal on this matter interferes with the jurisdiction and authority of The Fisheries Department. It sets a precedent which will be unmanageable by Council, totally ignored by fisher people and easily challenged in Court. I recommend this proposal be rescinded. Let the experts do their job.
46	Danny Dellaca	Oppose	As a recreational fisherman of some 50 years, both land based and boating off Cottesloe and other beaches, I want to register my objection to the proposed local council fishing rules. Firstly the idea that council has the right to dictate what fisherman can use in a boat 800 metres offshore is a nonsense. There are instances where you could be fishing and move minimal distance and find yourself under a different rule without even knowing it, by simply being in a new council jurisdiction. In addition, restricting the use of a wire trace whether from boat or land will basically wipe out the ability to fish for some species where normal line will be bitten through. Recreational fisherman pay licence fees to the WA State government and have to abide by those regulations which are common to all and provide a uniform approach. This system is working fine and there is no need to alter it and create a confusing and unworkable situation which has no benefit.
47	Martin Mcleish	Oppose	I believe your intention to ban trace and wire fishing is heavy handed and unwarranted.
48	Ron Schaefer	Oppose	I, Ron Schaefer wish to express my objection to the proposal bylaw 7.2 Fishing by means of fishing line containing metal wire or chain prohibited - OBJECTION. This is a overstep of your jurisdiction, legal bounds and is in direct contravention of fisheries rules and regulations.
49	Sandra Boulter	Support	I support the ban on the use of shark fishing gear on TOC beaches by amendment to the principal local law as follows: In Part 7 after clause 7.1 insert – 7.2 Fishing by means of fishing line containing metal wire or chain prohibited Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook. 6. Schedule 1 amended In Schedule 1 – Modified Penalties Item Clause Nature of Offence Modified Penalty 22 7.2 Fishing by means of fishing line containing metal wire or chain \$500 I support the penalty being the maximum it can be.

#	Name	Preference	Comment
50	RecFishWest	Oppose	<p>RECFISHWEST DO NOT SUPPORT THE TOWN OF COTTESLOE PROPOSAL TO BAN WIRE TRACE.</p> <p>In the early 2000's a Cottesloe Fish Habitat Protection Area (FHPA) was created under Section 115 of the Fish Resources Management Act and given effect through Part 9a (Division 1) of the Fish Resources Management Regulations 1995. This FHPA covers the oceanic boundary of the Town of Cottesloe and extends 800m from shore. In this area fishing for abalone, rock lobster and bony fish is permitted while fishing for sharks and rays is not. In 2012 the Town of Cottesloe implemented a local law prohibiting the fishing for sharks. This Local Law was consistent with the governing state-based regulations for the Cottesloe FHPA.</p> <p><not provided in full due to size></p>

**Beaches and Beach Reserves Local Law - Community Consultation
Amendment to Ban Shark Fishing**

#	Name	Preference	Comment
1	Barb Dobson	Support	I write in total SUPPORT of the proposed amendment by the Town of Cottesloe (see below) Shark fishing is already prohibited by local Cottesloe law AND also prohibited under the Fish Habitat Protection Area legislation since 2001. This illegal activity which still takes place MUST be stopped at all costs. Shark fishing at popular public swimming beaches at Cottesloe, if not enforced, is a public safety issue and a liability issue. Hence this amendment is a VERY positive step by the Town of Cottesloe to educate the public about what is and what is not allowed on beaches at Cottesloe in the name of public safety. Thank you for giving me the opportunity to comment. I am aware that the video of the shark that was shown on Facebook last year swimming close to shore between Swanbourne and Grant St beaches was in the very same area where night shark baiting and fishing had taken place the night before. The unsuspecting public who go swimming early morning are unaware that at night time the same area has been used to attract sharks. By prohibiting any "fishing with a line containing metal" at Cottesloe beaches is the most practical and effective way of stopping this illegal activity. It will be a means of educating and if necessary prosecuting offenders.
2	Peter Owens	Support	I support the proposal to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 and prohibit fishing with a line containing metal within the beach and beach reserves.
3	Felicity Kermode	Support	I support the proposal to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 and prohibit fishing with a line containing metal within the beach and beach reserves.
4	Valma Ozich	Support	As a mother of 2 children and regular ocean swimmer, I think it is imperative that fishing lines with metal are banned from our beaches. I strongly believe that unless you act swiftly, you will have blood on your hands very soon. It is beyond me to grasp who thinks it's appropriate to try and attract and then fish for sharks on a popular beach strip frequented by young children. I trust you will enact the ban immediately.
5	Joan Sharpe	Support	I wish to make a submission agreeing with the proposal to ban fishing lines with metal. I'm very concerned about shark fishing in the Fish Habitat Protection Zone and hope this measure will assist in eliminating this practice.

#	Name	Preference	Comment
6	Mark Westlake (two submission received)	Oppose	<p>In order to protect fishing for Tailor (a very common and popular species caught at Cottesloe) but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <ol style="list-style-type: none"> 1. Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'. 2. Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway). 3. Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe. 4. Any steel trace over 150mm in length. Again, perfectly adequate for Tailor. (It is virtually mandatory to use wire trace for Tailor as they have very sharp teeth which would cut the line leaving hooks in the mouth and allowing the fish to swim away injured and unable to feed) <p>Whilst it would still be possible to catch a small shark using the gear as specified above it would make it extremely difficult and I feel confident there will be a dramatic reduction in people targeting sharks. Also very easy for inspectors to check.</p> <p>There are other more drastic measures that could be employed in the event these bans do not do the job.</p> <p>The proposed amendment 'Prohibit fishing with a line containing metal' would mean fishers could not use swivels, sinkers, hooks or berley cages – thus making even herring fishing impossible.</p> <p>I am a retired commercial fisherman and have been recreationally fishing Cottesloe reefs and beaches for over 50 years.</p> <p>7.2 Fishing by means of fishing line containing metal wire or chain prohibited</p> <p>Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook.</p> <p>This proposal will guarantee many Tailor swim away with hooks in their mouth, unable to feed and die of starvation. Totally unacceptable.</p> <p>The solution is " no steel trace greater than 10kg breaking strain or 150mm in length to be used".</p> <p>BUT: Rangers cant force fishers to wind their gear in for inspection.</p> <p>SO: The real solution is to ban fishing reels used for shark fishing which can be SEEN by Rangers.</p> <p>IE: " no Trolling Reels to be used"</p> <p>It is IMPOSSIBLE to cast these reels (baits must be taken out on a surf board or similar)</p> <p>They can be identified with 100% certainty and charges laid on the spot.</p> <p>Both suggestions should be implemented.</p> <p>These are rational pragmatic proposals coming from a recreational and professional fisherman of over 50 years experience.</p>
7	O L Westerlund	Oppose	<p>In order to protect fishing for Tailor but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <p>Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'.</p> <p>Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway).</p> <p>Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe.</p> <p>Any steel trace over 150mm in length. Again, perfectly adequate for Tailor.</p>

#	Name	Preference	Comment
8	Robyn Benken	Oppose	<p>I was a community participant in the campaign to have a FHPA proclaimed over Cottesloe Reef. This campaign had great community support and it is tragic that shark fishing, though banned, continues, mostly at night and is unable to be stopped. The fact that we have some protection in our FHPA for wildlife has created a very special, beach accessible snorkelling zone in the metro area. Dead and dying sharks and blood in the water is a terrible state. Banning the gear required to catch sharks may help this unfortunate situation. However fishers of Tailor need to be able to go about their legal recreational fishing. I understand that the points below should assist in this amendment.</p> <p>In order to protect fishing for Tailor but to stop shark fishing from Cottesloe, the tackle that should be banned so as to make it difficult to fish for sharks should be as follows:</p> <ol style="list-style-type: none"> 1. Overhead geared big game trolling reels. These reels cannot be cast and can be used from the shore only if the bait is taken out by a surf board. They have huge line capacity, strong winching capability and could never be a part of 'family fishing'. 2. Any hook size over 6/0. Plenty big enough for transient pelagic species (Mainly Tailor, Salmon and occasional Mulloway). 3. Any steel trace with a breaking strain over 10KG. Ample for 99.9% of Tailor caught at Cottesloe. 4. Any steel trace over 150mm in length. Again, perfectly adequate for Tailor
9	Rob Moline	Support	<p>I'm totally in favour of this amendment. Thinking about those youths who used to go shark fishing in the evenings at Vera View beach, trying to lure great whites in amongst the late swimmers by paddleboarding out and strewing berley. And thuggishly attacking swimmers and dogwalkers who asked them not to.</p> <p>As importantly, how are you going to enforce the law? No shortage of people reported those youths to Cottesloe rangers and also to Fisheries, but no-one official ever came to see/warn/arrest them.</p>
10	Judy Rule	Support	<p>I support this proposal to prohibit fishing line containing metal wire or chain. Apart from prohibiting shark fishing from the beach, metal is a hazard to swimmers and dogs on the beach.</p> <p>I don't think there should be any recreational fishing off Cottesloe because as a scuba diver and snorkeler there is very little fish life of eating size off our beaches. When I see people down at North Cottesloe fishing, I am always amazed at the small size of the fish they catch and take home. If our reefs are nurseries for fish, numbers are bound to reduce.</p>
11	Geoff Kimpton	Oppose	<p>Cottesloe council is completely over the top regarding the banning of wire traces for fishing. You should but out of fishing regulations and leave it to the Fisheries Department.</p>
12	John Bennett	Oppose	<p>I cannot see the logic of banning wire traces when fishing. There will clearly be more bitten off hooks and dead fish with hooks in their bodies washing up on the beach if wire traces are banned. A wire trace will disintegrate/rust at about the same rate (thinner than hook metal so probably rusts faster) as ganged sets of hooks and in itself is not poisonous, environmentally polluting like plastic, lead sinkers, or rigid/sharp enough to penetrate a foot. The greater number of hooks ending up on the beach when wire traces are not used surely will mean a (probably a miniscule number wash up either way) bigger rather than smaller number of hooks in feet of swimmers and people walking on the sand. When I go fishing it is always on a sandy beach somewhere, I have been doing this regularly for close on 75 years now. I always fish barefoot and have never had a hook in my foot anywhere. I have occasionally seen discarded/lost hooks on jetties and rock shelves and always pick them up and discard in bins.</p> <p>Please tell me what reason there could possibly be for such a Local Govt rule extending beyond the low water mark or jetties? These 'beyond' areas are outside council jurisdiction as I understand the legislation anyway, slightly grey concept I suppose as stopping boats, people fishing and surfboards where people are 'swimming between the flags' is a good (logical) requirement.</p>
13	Ken Hopgood	Oppose	<p>Lay off the fishermen of your council area, and the the rules you propose are ridiculous and over step your authority.</p> <p>LEAVE FISHING RULES ALONE , WE ARE GOVERNED ENOUGH.</p>

#	Name	Preference	Comment
14	Daryn Bungey	Oppose	<p>1. I'm writing to you with my concerns and my thoughts echo Recfish</p> <p>2. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy.</p> <p>3. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat.</p> <p>4. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. (bloody stupid!)</p> <p>My position on the creation of Local Laws to manage recreational fishing: Recfishwest believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia. Local Government Authorities (LGA's) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements. Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. Recfishwest do not believe LGA's have the necessary fisheries management experience or skills required to govern recreational fishing. Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA's, separate and confusing local laws governing fishing activity is something that must be avoided.</p>
15	Pat Tomkinson	Oppose	No local council should stay out of fishing laws we have a fisheries department and you little hitlers have to remember we vote you in we can vote you out
16	Craig Mather	Oppose	<p>This email is in regard to the proposed introduction of specific fishing rules in the cottesloe council area. I am very against this idear. Fishing state wide is governed by strict rules and regulations that are inforced by fisheries officers. To have more rules in just one area of our vast coast line will not only be hard to police and enforce but will confuse people as to what fishing activities are allowed. And where will it all end.</p> <p>Please consider this email when making your decision.</p>
17	Greg George	Oppose	<p>I strongly disagree with the new proposal you plan to put in place in regards to wire trace when fishing for fish .</p> <p>Are there any council members that are fishers ?</p> <p>If there are ask them how the wire trace would effect theme not much I suspect .</p>
18	Nev Blechynden	Oppose	Most fishermen only use the wire traces for tailor I have been fishing for 50 years and never used one but have been bitten off plenty of times.I can't see your reason for banning them,What's next fishing line come on a bit of common sense needs to be used here.

#	Name	Preference	Comment
19	Daryl McIver	Oppose	<p>My name is Daryl McIver and I have lived in Western Australia since 1989 with my own family but my family history is 5 th generation Western Australian with my family given land to work and improve in the southwest in colonial days(Reynolds and Vollrath). I have been a fisherman my entire life and have seen the introduction of more and more rules and regulations coming in to our community, often times without thought of those that actually do the fishing and what they bring to the economy.</p> <p>In most instances it costs a recreational fisherman more to catch a fish than if they simply went and bought it. For the most part the fishing rules that are in place make this state brilliant for recreational fishing. The state is already divided into zones of which the Cottesloe Council sits in the West Coast Zone, with it being one of the most strict and constricted and congested fishing zones. To introduce more rules into this area will simply cause more confusion and anger. I think it will also cost the council quite a bit to try to police extra unnecessary rules.</p> <p>I am unsure why it is that you want to introduce a new rule that will have no discernible benefit to fish, fish habitat, the environment or the people within your council borders.</p> <p>If all the councils in Western Australia followed suit and introduced their own rules and regulations on top of the current Fishing regulations, it would see fisherman across the state unlikely to visit places that make it difficult for them in their favourite pastime. It would also mean an extra 137 rules if each council only introduced one rule each. The state government already have significant investment in fisheries and compliance.</p> <p>Please take my concerns into consideration while debating your proposed rule changes.</p>
20	Albert Rowland	Oppose	<p>To what possible gain does banning wire fishing traces on your beaches achieve apart from another silly rule it appears all you want to do is discourage any activity apart from what your counsel says Why not stop people swimming there think of the money saved you could put it to other uses may be banning cars & people from streets such an idea as this is a blatant attempt to control people who love fishing I cannot think of any local government body that tries to control what it does not own . How are you going to police this by getting a boat to go and check what trace is fitted to a line from a boat as you are trying to extend this stupid idea out to 800 meters off shore please do what your suppose to manage what you know not a bad thing like this</p>

#	Name	Preference	Comment
21	John Jury	Oppose	<p>My name is John Jury I am a recreational fisherman and use most beaches on the WA coast to undertake my fishing activities.</p> <p>I wish to lodge the strongest opposition, to the proposed changes to the council bylaws relating to the use of lines containing metal within the beach reserves. You proposed changes are in short – ill conceived and poorly thought out for the following reasons.</p> <ol style="list-style-type: none"> 1. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy. 2. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>My position on the creation of Local Laws to manage recreational fishing is: I believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia. Local Government Authorities (LGA's) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements within their jurisdictional boundaries.</p> <p>Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. I do not believe LGA's have the necessary fisheries management experience, skills or resources required to govern recreational fishing.</p> <p>Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA's, separate and confusing local laws governing fishing activity is something that must be avoided.</p> <p>In summary I advise that the council should drop this unenforceable agenda and not waste ratepayer funding on unenforceable new laws (really is a ranger going to be on the breakwater at 11pm checking the fishing equipment in use – I don't think so).</p> <p>I look forward to your response stating the proposal has been rescinded.</p>
22	Jeremy Hustwitt	Oppose	<p>I write to you to object to fishing rules being changed by Councils. I think this should be left to local governments and Recfishwest.</p>
23	Laurie Twigg	Oppose	<p>I wish to express my concern that the Cottesloe Town Council is proposing to ban the use of wire traces (metal) in fishing rigs within the Town of Cottesloe. Such a proposal is clearly ill-conceived and seeks to impose changes in areas outside your jurisdiction. The Town of Cottesloe has no authority to enforce sanctions 800 m out to sea. That is, the Council has NO power to preside over what fishers do or do not do when out fishing in their boats.</p> <p>Furthermore, current fishing regulations are managed by the WA Fisheries Department, with well researched and considered regulations that are best practice for the ongoing sustainable management of this public resource. Considerable consultation and sacrifices have been undertaken to reach this endpoint with simplified, consistent, State-wide regulations. Any additional regulations imposed by local Councils will only lead to confusion, particularly if ALL relevant Councils decide that they too would implement their ideas for Fisheries Management. Such ideas are unlikely to be based on sound research and management practices, as few Councils would have the necessary skills and experience to develop sound practices which are consistent with the State-wide objectives. We could have up to 137 Councils making such changes if such proposals were implemented, leading to unnecessary and undesirable 'chaos' and uncertainty. Legislation that attempts to solve one issue, but creates another is generally poor public policy. Clearly, State-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia.</p> <p><not provided in full due to size></p>

#	Name	Preference	Comment
24	Craig Mather	Oppose	This email is in regard to the proposed introduction of specific fishing rules in the cottesloe council area. I am very against this idear. Fishing state wide is governed by strict rules and regulations that are inforced by fisheries officers. To have more rules in just one area of our vast coast line will not only be hard to police and enforce but will confuse people as to what fishing activities are allowed. And where will it all end. Please consider this email when making your decision.
25	Anthony Willetts	Oppose	I am writing to voice my extreme concern over the proposed changes to the local law regarding fishing using metal trace. As a avid fishermen (all throughout the state both by boat and land based) i often utilize wire trace when fishing for certain species that have sharper than normal teach (Tailor, Mackrel, Tuna etc). This has absolutely nothing to do with shark fishing (from my understanding the reason you are planning to impose this rule is to try and rule out shark fishing from your beaches). What you are doing here, is penalizing a large number of fishermen to try and make it easier for yourselves to police an existing rule. I believe the proposed ban extends 800m out from the high water mark (basically covering the extent of the Cottesloe reef) however it must be considered that although shark fishing within this reef is prohibited, fishing for tailor etc is not. I urge you to look at the bigger picture here, and also consider how this could possibly be policed. I mean, are you planning to enforce that nobody fishing in these areas can have wire trace in their tackle box / on their boat etc? How could you prove someone is fishing with wire trace unless you actually catch them with the rod and line in the water? What about out of towners (like myself) whom know the rules for fishing in the region as defined by the department of fisheries, but would not expect a local council to have its own regulations on what tackle can be used? Perhaps it comes down to a local government needing to mind their own business, and let the department of fisheries etc worry about the fishing?
26	Dean Campbell	Oppose	I reject you proposed law to ban the use of wire traces at Cottesloe beach. I regularly chase specific species which require me to use a wire traces. i.e mackerel, tuna and stingrays. However, why should I be and many other responsible fishers be denied a source of food in the event we accidently catch a shark. I can tell you if its a gummy shark or Bronze whaler I am keeping it to eat. They are bloody beaut in batter with home made chips. Oh a tip!! make sure you double fry the chips they come out nice and crunch and soft in the centre. Happy to give you the chip recipe if you want it.. So the City of Cottesloe, you have to give us a fair go and by the way when do you control the oceans? I thought this was managed by the Dept of Fisheries. Regardless of what silly rule you implement you won't stop me any probably many others from using a trace. Good Luck with your silly proposal
27	Anthony O'Mahony	Oppose	Your recent proposal to introduce a ban in the use of wire trace whilst fishing, I believe is an overstep of your mandate and an unnecessary introduction of local legislation that is going to inadvertently harm people who wish to catch fish that are allowed to be caught and kept in the Cottesloe Fish Habitat Protection Area (CFDPA). The use of wire trace is used for a vast variety of species of fish. This includes but is not limited to tailor, mackerel and other varieties of pelagic and demersal fish. These species of fish are allowed to be taken within the CFDPA and by restricting the use of wire trace you are effectively restricting the allowable take of these fish species. Fisheries legislate and enforce the location, methods and number of fish that can be taken in the state of Western Australia. Therefore it is their role to decide what kind of fishing equipment may be used to catch fish species within our state waters whether they be unregulated, sanctuary's or the CFPDA. <not provided in full due to size>
28	Jason Payne	Oppose	I oppose the wire trace ban, can you please inform me how & why the council has come to this reasoning
29	Joseph Laundry	Oppose	I oppose the amendment of local law prohibiting the use of wire trace for fishing. I believe this law is unjust and should not be enacted.

#	Name	Preference	Comment
30	Peter Sirr	Oppose	<p>Re the councils proposed fishing rules, I support the following</p> <p>Recfishwest believe state-based fisheries legislation is, and should remain, the overriding legislation governing fisheries in Western Australia.</p> <p>Local Government Authorities (LGA's) have a responsibility for planning and delivering essential services in the community including waste, roads, parks, playgrounds and gardens, as well as statutory responsibilities in planning and development approvals, public health and various licencing requirements.</p> <p>Fisheries management is complicated; it requires a specific set of skills in order to balance the competing demands on our aquatic resources against a suite of dynamic and variable environmental parameters and a wide range of societal and economic expectations. Recfishwest do not believe LGA's have the necessary fisheries management experience or skills required to govern recreational fishing.</p> <p>Fishing rules in WA should be standardised and simplified where possible. Given the state has 137 LGA's, separate and confusing local laws governing fishing activity is something that must be avoided.</p>
31	Jason Potts	Oppose	<p>I would like to object to this silly proposal banning wire trace.</p> <p>You have not done your research and fishing is our right. We will fight this and I would like you to see how you are going to enforce this if for some reason it gets passed...</p>
32	Rebecca Watson	Oppose	<p>I am very concerned about the proposal to fine wire trace users in your locality.</p> <p>Firstly, fish like tailor are fun and easy to catch off the cost line, but they have very sharp teeth. If fishing without a wire trace, as soon as the fish touches your line they will sever it, meaning there is either a hook with line on it hanging out of their mouth, they have an increased likelihood of predation since they are injured. Or, that hook (bear in mind that people fish with ganged hooks for tailor, so 3 hooks together) and line is now floating around and polluting your swimming beaches, presenting a risk to the public and other wildlife, including birds, in the area.</p> <p>Secondly, the proposal to expand this distance out to 800m means that on my boat I am also subject to these rules. How will this rule be advertised? I have only heard about this through Recfishwest, who have considerable reach in comparison to yourselves. As this will effect people launching from many places in the Perth metro you cannot simply tell the people who live in your locality, or have signs on the rocks but also have thinks like markers out in the ocean, or have the area marked on nautical charts. It would need to be advertised in the material that is sent to people with their boat fishing licence, as an individual council making their own rules, without peer reviewed scientific backing, is not the norm.</p> <p>If you feel as though you have reasonable grounds to have this ban, then I suggest you speak to Fisheries and if their science and experience seem it reasonable then they would implement the change themselves, making it clearer and across the board.</p>

#	Name	Preference	Comment
33	Tim Carter	Oppose	<p>My name is Tim Carter and I am the Sales and Marketing Manager for Halco Tackle Company based in Fremantle. It has recently come to my attention that the council is considering banning fishermen using wire traces not only from the shore along it's coastline but to a distance some 800m offshore.</p> <p>To be honest I had heard rumours some time ago about this push and disregarded it as some sort of joke. Unfortunately it seems now that the council is indeed seriously considering it.</p> <p>This move is highly concerning and obviously pushed by the radical green movement.</p> <p>If the intention is to stop currently legal shark fishing, I would like to make several points about this.</p> <ol style="list-style-type: none"> 1. What makes the council an authority on permitted fishing methods or species? How many on the council know anything about fishing, let alone feel they can adequately make decisions that could have serious unforeseen consequences on fishing families enjoying a healthy, safe and enjoyable pastime? Surely Fisheries WA are funded and the ones truly capable of deciding what fishing methods are appropriate in WA waters and what species can and cannot be targeted. In my opinion councils are there to provide essential services to it's rate payers, not indulge in virtue signalling of this type. 2. What kind of jurisdiction does the council perceive it has, when it is taking about waters seaward to 800m from the waters edge? I know what I would be telling any council that tried this on, and it wouldn't be particularly polite. Do you have legal advice that this is even enforceable? Will you make it public please? 3. Fishers use wire for a number of reasons, not always in regard to shark fishing. Year round Tailor are targeted legally and it is recommended practice to use a short length of wire to prevent bite offs. Each summer Spanish Mackerel run off our coast, some very close to shore, this is another species that requires wire to be used. By excluding wire from shore or even out to 800m this is highly discriminatory against law abiding anglers. 4. Halco Tackle is a Western Australian based company that makes many products, including wire traces and hook rigs with wire. We as a company have spent many years defending the rights of anglers against the anti fishing movement. We feel there is a hidden agenda against fishing at play here and we strongly oppose any ban of such products especially considering any lack of expertise in the fishing practices used along our coastline.
34	Kai Harrison	Oppose	<p>I object the changes that you are suggesting on the laws in regard to wire trace for tge following reason.</p> <p>This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy.</p> <ol style="list-style-type: none"> 2. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>Furthermore i do not understand the need or reason for this proposal as wire trace does not cause any more or less damage than braided or monofilament lines.</p>
35	Graeme King	Oppose	<p>Thank you for the opportunity to comment on your proposed law. I strongly support your proposed law on the basis it is aimed at preventing sharks being caught. For your info' I have also attached a copy of an email circulated by WA's well-resourced fishing advocacy group, Recfishwest, that effectively encourages its many members (membership is free) to challenge the introduction of the law. In lieu of their campaign you may consider asking Recfishwest what they suggest with respect to preventing sharks being caught?</p>
36	Mal Boyd	Oppose	<p>Good afternoon as a fisher person I do not agree with your proposal to ban the use of wire trace for recreational fishers. We already have state laws that I believe are adequate for recreational fishing.</p>

#	Name	Preference	Comment
37	Robert Nunn	Oppose	<p>I have been today alerted by Recfishwest to a plan by your Council to ban the use of wire traces in fishing. Recfishwest have identified three major concerns with this proposal:</p> <ol style="list-style-type: none"> 1. This proposed ban will impact people fishing for tailor and mackerel, who in some cases employ the use of wire traces to prevent being bitten off by such fish. This will essentially prohibit fishing for such species. Legislation that attempts to solve one issue, but creates another is generally poor public policy. 2. We note the Town of Cottesloe's proposal extends 800m out to sea which appears a long way outside their boundary and thus jurisdiction. We see no reason why the council should preside over what you do or do not do when out fishing in your boat. 3. There are 137 local governments in Western Australia. Having a local Government prohibit specific fishing gear sets a concerning precedent for other councils to amend fishing rules within their own jurisdiction. Imagine how confusing fishing could become if each of the state's 137 Local Government Authorities decided to alter the rules governing fishing within their boundaries. <p>Recfishwest oppose this proposal.</p> <p>As a fisherman living at Sorrento I also strongly oppose this proposal for the reasons outlined by Recfishwest. I am also at a loss to understand why such a proposal was made. The wire is usually a short length attached to ganged hooks that is no threat to any person and is simply designed to stop sharp-toothed fish like mackerel and tailor from biting off hooks and likely getting the hooks stuck in their mouth leading to feeding problems and a likely death. If they are going to get hooked it is better they become a meal for people than suffer a slow death.</p> <p>In other words the wire trace is a humane way of fishing for sharp-toothed fish like mackerel and tailor. So please take this into consideration when you start trying to interfere with long established and humane fishing methods practised by people who want to maintain a sustainable recreational fishing activity in WA.</p>
38	Broderick Hosie	Oppose	<p>I am writing to you to express my concern in relation to a proposal to ban the use of wire trace by recreational fisherman, which has been brought to my attention by Recfishwest.</p> <p>As a regular fisher of Cottesloe, having the ability to use a wire trace is particularly useful for targeting a range of fish species such as tailor which would normally bite through monofilament fishing line. I am wondering if the council is considering banning the use of wire to stop people from targeting sharks within their jurisdiction and would appreciate if the council could confirm this? As a post graduate in marine science it would be fairly strange to me if one or more councillors have taken the view that fisherman targeting sharks is putting other users of the water at risk (i.e. I dont recall anyone fishing for sharks when Ken Crew was attacked in 2000). If the council wants further information on the science of shark behaviour then please feel free to get in touch.</p> <p>On a final note I find the recent news article published in relation to UWAs Ocean Institute suggesting that Cottesloe should have a marine sanctuary in place fairly concerning and not within the interests of the community. It is will known the push for marine parks by UWA is through the marine futures program there which includes affiliates of PEW charitable trusts which is a green lobby group in the United States with an Australian agenda. I would request the council thoroughly checks the background of people advising on policy in relation to the local marine environment to ensure they are best representing the interests of the broader community rather than the vested interests of the few.</p>

#	Name	Preference	Comment
39	Bill McKenzie	Oppose	<p>I DO NOT SUPPORT THE PROPOSED AMENDMENT.</p> <p>I hold a recreational fishing license for WA.</p> <p>I note the intent of the Town of Cottesloe to create a "strict liability" test to assist with enforcement of the prohibition on fishing for sharks contained in the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 at clause 7.1(a).</p> <p>To achieve this, the simplistic and naive approach has been to create the following prohibition</p> <p>"7.2 Fishing by means of fishing line containing metal wire or chain prohibited</p> <p>Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook."</p> <p>This may create a simple, objective test for liability, but has the Town investigated whether there may be unintended consequences of prohibiting fishing with a wire trace – something it was advised to do by its lawyers?</p> <p>A few questions for you to consider?</p> <p>1. Will this prohibition prevent shark fishing?</p> <p>a. Are you aware that there are alternatives to using metal wire or chain to provide a strong, abrasion and cut resistant trace?</p> <p>b. Thick nylon, woven dacron and other exotic high molecular weight polyethylene fibres can be used to circumvent your strict liability test.</p> <p>2. Will this prohibition impact fishing that is not for sharks?</p> <p>a. Are you aware that fishers targeting other species (eg tailor) routinely use wire trace due to the propensity of some fish to cut through normal monofilament fishing line?</p> <p>b. Why should these fishers be forced to use expensive, alternative traces to avoid the risk of prosecution when they are not targeting sharks?</p> <p>3. Is there an alternative objective test that could be proscribed?</p> <p>a. Have you considered limiting hook size rather than wire traces?</p> <p>It would seem these issues have not been considered and for this reason, I DO NOT SUPPORT THE PROPOSED AMENDMENT and ask that you reconsider to proposal.</p> <p>I also note that the proposed amendment is seeking to impose control over activities that take place up to 800 m offshore into an area outside the Town of Cottesloe boundary, and respectfully suggest that this is an overreach of your authority and risks being ruled invalid in any court challenge.</p> <p>I would appreciate acknowledgement of this feedback and answers to the questions posed.</p>
40	Alex le Roux	Oppose	<p>Please note that I am opposed to this proposal. I believe that fishing rules should maintain one standard, for all, across our coastline.</p>
41	Bob Rickard	Oppose	<p>The pending decision by Cottesloe Council to enact a local fishing rule concerning the banning of wire trace whilst fishing within the precinct of your local council is ludicrous and another example of local government overstepping the boundaries and legal authority of their mandated responsibilities to ratepayers.</p> <p>Your decision to ban wire trace within the coastal precinct of Cottesloe ostensibly ceases the ability of recreational fishers to catch either tailor or mackerel, as these species of fish will invariably bite off normal forms of monofilament or nylon fishing line.</p> <p>To also suggest that this ban will extend 700 metres to sea off the Cottesloe precinct shoreline also displays an arrogance beyond belief as this extends well beyond your jurisdiction or your legal ability to police such stupidity.</p> <p>We attach and support the statement from Recfishwest and their stance on this absurd proposal by your council.</p> <p>It is not in the best interest of the people to have local councils arbitrarily announcing local fishing rules, as this sets an extremely dangerous precedence. The responsibility for such matters rests with the Fisheries Department and Minister in consultation with Department for Primary Industries and Development and with input from local fishing clubs and people with knowledge of these matters like Recfishwest.</p> <p>Please let common sense prevail for a change concerning this matter.</p>

#	Name	Preference	Comment
42	Neil Porter	Oppose	I have enjoyed recreational fishing within the Cottesloe Council (as well as many other places) for many years and oppose this proposed ban. I refer you to the Recfishwest statement on the matter for details of my reasons for objecting to your proposal. This statement can be found at this site https://recfishwest.org.au/wp-content/uploads/2019/04/Recfishwests-statement-on-the-banning-of-wire-trace-within-the-City-of-Cottesloe-April-2019.pdf Please contact me if you would like to discuss this issue further.
43	Christopher Shaw	Oppose	I'd like to object to the proposal at hand as it is not within the councils rights to enforce such laws as this falls under the fisheries act. The deliberate targeting of sharks by a few individuals is something that Fisheries officers need to address and monitor accordingly. Secondly, the catching of sharks still occurs regardless of the use of wire trace. These occur in the area regardless and will often be bycatch. Wire trace is used by fisherman to target tailor and mackeral which can be caught along the beaches within your shire. From a legal stand point, the ability for the council to fine an individual for the use of wire trace within the Cottesloe boundaries is laced with litigation as it is in direct contravention of Fisheries rules and regulations. Recfishwest has loudly voiced their objection to the by law that you are proposing.
44	Rick Gowland	Oppose	JUST LETTING YOU KNOW, I/WE DO NOT SUPPORT YOUR BAN ON WIRE TRACES ON FISHING LINES ON THE BEACHES AND OFFSHORE. WE ARE USING THEM AND WILL CONTINUE TO DO SO.. IF YOUR PATHETIC LITTLE COUNCILLERS THINK THEY CAN CONTROL THE WATERS THEN THINK AGAIN... YOU NUMB NUT ARE LAUGHABLE...
45	John Wood	Oppose	I believe your proposal on this matter interferes with the jurisdiction and authority of The Fisheries Department. It sets a precedent which will be unmanageable by Council, totally ignored by fisher people and easily challenged in Court. I recommend this proposal be rescinded. Let the experts do their job.
46	Danny Dellaca	Oppose	As a recreational fisherman of some 50 years, both land based and boating off Cottesloe and other beaches, I want to register my objection to the proposed local council fishing rules. Firstly the idea that council has the right to dictate what fisherman can use in a boat 800 metres offshore is a nonsense. There are instances where you could be fishing and move minimal distance and find yourself under a different rule without even knowing it, by simply being in a new council jurisdiction. In addition, restricting the use of a wire trace whether from boat or land will basically wipe out the ability to fish for some species where normal line will be bitten through. Recreational fisherman pay licence fees to the WA State government and have to abide by those regulations which are common to all and provide a uniform approach. This system is working fine and there is no need to alter it and create a confusing and unworkable situation which has no benefit.
47	Martin Mcleish	Oppose	I believe your intention to ban trace and wire fishing is heavy handed and unwarranted.
48	Ron Schaefer	Oppose	I, Ron Schaefer wish to express my objection to the proposal bylaw 7.2 Fishing by means of fishing line containing metal wire or chain prohibited - OBJECTION. This is a overstep of your jurisdiction, legal bounds and is in direct contravention of fisheries rules and regulations.
49	Sandra Boulter	Support	I support the ban on the use of shark fishing gear on TOC beaches by amendment to the principal local law as follows: In Part 7 after clause 7.1 insert – 7.2 Fishing by means of fishing line containing metal wire or chain prohibited Within the defined area, a person must not fish by means of any fishing line that contains any metal wire or chain within 1 meter of any hook. 6. Schedule 1 amended In Schedule 1 – Modified Penalties Item Clause Nature of Offence Modified Penalty 22 7.2 Fishing by means of fishing line containing metal wire or chain \$500 I support the penalty being the maximum it can be.

#	Name	Preference	Comment
50	RecFishWest	Oppose	<p>RECFISHWEST DO NOT SUPPORT THE TOWN OF COTTESLOE PROPOSAL TO BAN WIRE TRACE.</p> <p>In the early 2000's a Cottesloe Fish Habitat Protection Area (FHPA) was created under Section 115 of the Fish Resources Management Act and given effect through Part 9a (Division 1) of the Fish Resources Management Regulations 1995. This FHPA covers the oceanic boundary of the Town of Cottesloe and extends 800m from shore. In this area fishing for abalone, rock lobster and bony fish is permitted while fishing for sharks and rays is not. In 2012 the Town of Cottesloe implemented a local law prohibiting the fishing for sharks. This Local Law was consistent with the governing state-based regulations for the Cottesloe FHPA.</p> <p><not provided in full due to size></p>