



Town of Cottesloe proposal to ban wire trace

Recfishwest **do not** support this proposal.

Background

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. The Town of Cottesloe has had difficulty enforcing this local law as rangers are required to prove fishers intend to fish for sharks when the equipment fishers use could also be used to fish for a wide range of other fish species and with fishers having no control over what fish takes a bait it is very hard to prove if a fisher intended to catch a shark.

In order to make it easier for local Rangers to prosecute people fishing for sharks the Town of Cottesloe is considering introducing a ban on the use of wire trace. This will mean for any prosecution the Town of Cottesloe pursues they will no longer be required to prove a fisher intended to catch a shark simply that they were using wire trace.

Recfishwest do not support Local Laws that relate to the management of recreational fishing. Recfishwest believe it is not in the remit of local government to manage for recreational fishing nor do we believe local government authorities are best placed or have the required fisheries knowledge, experience or skills to manage the states aquatic resources. Recfishwest's Position on Local Laws outlines the rational for our opposition to the creation of local laws relating to fishing.

The Town of Cottesloe proposal to ban the use of wire trace

Recfishwest have concerns about the impact this proposal will have on legitimate fishers. When fishing for fish species with sharp teeth such as tailor and mackerel it is common for fishers to use wire trace to stop the fish biting through the line. The diameter of wire trace used when fishing for tailor is less than the diameter of a standard paperclip yet under this proposal any fisher who uses trace even this small can be assumed to be fishing for sharks and will be liable for a \$500 fine. This situation is unfair and not in line with the Australian value of a 'fair go'.

While Recfishwest can appreciate the difficulty faced by the Town of Cottesloe enforcing their local laws we will not support compliance outcomes at the expense of people who are simply trying to catch a fish.

Should this proposal be adopted it is unlikely to discourage fishers who currently target sharks as they can simple use a larger diameter fishing line or use a replacement for wire trace such as nylon, dacron or dyneema cord. These fishers will then not be able to be fined while the fisher with a thin wire trace catching a feed of tailor will be assumed to be fishing for shark and can be fined.

Recfishwest also note the Town of Cottesloe's proposal extends seaward 800m to the boundary of the FHPA. This is far outside the Town of Cottesloe's local government boundary and therefore outside of their jurisdiction. Section 3.5 (2) of the Local Government Act 1995 states; *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.* and section 3.6 of this Act requires approval from the Governor. It is unclear if the Town of Cottesloe has obtained the Governors approval to create a local law extending outside their boundary to fishers on boats who are minding their own business almost a kilometre from shore.

Recfishwest recognise from time to time recreational fishing activities might be considered inconsistent with the prevailing community values. In cases where these concerns are real, valid and truly representative of broader community concerns Recfishwest are supportive of introducing measures to resolve this conflict.

Some other measures the Town of Cottesloe could have considered that would have achieved their objectives without impacting on law abiding fishers included a maximum hook size or trace diameter however, whichever methods used Recfishwest believe it should be gazetted through the relevant fisheries legislation and implemented in such a way as not to impact on other types of fishing that are unrelated to the activity of concern. While Recfishwest do not agree with all fishing rules that are gazetted through fisheries legislation it does ensure a consistent set of rules. If each of the states 137 separate local government authorities started making their own fishing rules, we would have an unworkable system with 137 different size and bag limits for each fish species.

Recfishwest do not support this proposal and we urge everyone that fishes within the Town of Cottesloe, who believe fisheries legislation should be the overriding legislation governing fishing in WA, who enjoy simple fishing rules or who have concern about local government overextending their boundaries to let the Town of Cottesloe know how you feel.

Written submissions on the proposed amended local law must be made prior to **4.00pm on Monday, 13 May 2019** and should be sent to council@cottesloe.wa.gov.au or PO Box 606, Cottesloe WA 6911.

Please note, submissions without a residential address will not be accepted.