2019 Date Submission / Information Received	Submitter	Submitter Comments	Officer Comments
28 March 2019	Mr Mark Smith Brockman Street Denham WA 6537	1. 7.6(2) vehicles on jetty request to extend the time limit from the maximum of 30 minutes while servicing vessels. 2.clause 7.8 vessel moored is to be attended request to review this clause The two hour limit allowed for mooring creates an issue in maintaining attendance on the vessel	1. an extension to the time frame could be considered to allow for vehicles servicing vessels to remain on the jetty for longer than 30 minutes. 2. a reduction of the mooring time limit may alleviate this issue. The clause could also be amended to be attended if the vessel is moored in a manner that is deemed obstruction (clause 7.5(2)). There may also be an issue with the requirement to attend the vessel and the proposal to introduce a failure to move clause, specifically the requirement in contacting the licensed and authorised operator of the vessel if the communications were located on the vessel and could expose operators to claims of failure to move due to lack of contact.
10 April 2019	Department of Local Government, Sports and Communities – C Chia	Listing of comments from the Department of the Minister for Local Government	Email attached
30 April 2019	Department of Biodiversity, Conservation and Attractions	Letter advising that the Department has no objections to the proposed amendment.	Email attached

2018 Date Submission / Information Received	Submitter	Submitter Comment	Officer Comment
11 May 2018	Mr Harvey Raven Monkey Mia Wildsights Raven Multihulls Pty Ltd PO Box 22 Denham WA 6537	1. Clause 7.3 the word "deem" to be deleted from all Clauses/Subclauses and be replace with the word "considered". 2. Clause 7.3(1)(c)(iii) To be deleted 3. Clause 7.3(2) Clarify or delete: "No other activity on the vessel is permitted during this time" 4. Clause 7.5 Delete entirely and replace with: i. A vessel berthed as per the following diagrams (insert existing 7.5.2 Local Laws diagrams here) shall for the purposes of the Local Law be considered to be an obstruction to any other vessel requiring to berth at, or depart from the jetty. ii. Upon being asked to move by a vessel requiring to berth at, or depart from the jetty, an obstructing vessel shall move so that it is not obstructing as defined in the diagrams in Clause 1.	1.Deemed has legal standing, considered would create ambiguity and uncertainty as to whom considered the matter and by what standard the vessel was considered to be obstructing 2. clause is for fishing vessels only and restricts overnight mooring 3.agree clause 7.3(2) is unenforceable with the current wording as soon as practicable as it is open to interpretation. The two hour time limit in other clauses would suffice 4. i. 7.5(1) a catch all clause (obstruction provision) should be retained and make the 'deemed obstruction' provisions in addition to this requirement by inserting the words "without limiting the effect of subclause (1)" at the start of clause 7.5(2). The reason for retaining the catch all obstruction provision is to ensure that an obstruction which is not a deemed obstruction is still caught. Consistent with the councils proposed clause 7.5(2) ii. creates uncertainty as to what is obstruction and would create difficulty with enforcement as it is reliant upon an operators ascendance to a request.

		iii. If a vessel intending to berth or depart does not request the obstructing vessel to move then the obstructing vessel will no longer be considered to be an obstruction to the vessel intending to berth or depart and there shall be no breach of the Local Law.	iii. conflicts with proposed clause I and creates ambiguity and uncertainty as to what is deemed obstruction
		iv. Upon the vessel that made the request for access having berthed or departed, the vessel which moved as requested is permitted to return to its original "obstructing" position subject to Clause 2.	iv. noted may conflict with existing clauses contained with section 7.3 regarding interpretation of departure from the jetty. If no vessel is approaching or departing there is no deemed obstruction
		v. Although the permitted time period of 2 hours stipulated in Clause 7.3(b)(iii) has not elapsed since it berthed, a serviceable vessel that is not obstructing and not loading/unloading, shall, when requested, provide access to another vessel that has advised it would experience difficulty in safely using the jetty unless it gained access to the part of the jetty currently being occupied by the vessel not loading or unloading.	v. further limitation on berthing time periods could alleviate this issue. this would require the creation of another offence that would need to be further clarified and would be difficult to enforce given the reliance on evidence of one operator against the other and sufficient evidence in regard to the safety concerns.
		vi. A vessel that fails to move when requested shall be in breach of the Local Law	vi. conflicts with deemed obstruction clauses in part 7.5(2) and would be difficult to enforce given the reliance on evidence of one vessel operator against the other. Consideration could be given to introduction of a failure to move when requested clause, if a vessel is moored in a manner deemed to be obstruction in accordance with clause 7.5(2) or vessel in distress.

		5. Clause 7.24(2) Clarify the meaning, or delete.	5. this clause allows for one offence every 12 months without possible suspension, deletion would provide for harsher penalties. Could be clarified to refer to either a calendar year or financial year i.e. the council may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted or paid the modified penalty for two or more offences in a calendar(or financial) year. The Council could also consider deleting the clause and rely on clause 7.3 in regard to authorisation to use of the jetty.
10 May 2018	Mr Greg Ridgley Perfect Nature Cruises / Monkey Mia Yacht Charters Pty Ltd PO Box 46 Denham WA 6537	I am happy with the current Local Law of the Monkey Mia Jetty with the exception of the following: 1. Refuelling some people drain through a valve the fuel into their boats, this can take some time if the tide is high and the fuel does not flow fast. I propose that we allow 45 minutes for refuelling when the fuel is running through a valve to the boat, with no mechanical assistance. 2. Also if conditions result in a vessel having to use the end of the jetty to load or unload that it can do so in the quickest possible time. This could come about when conditions are not favourable for one side of the jetty, a vessel is already berthed on the other, In some cases we arrive at the jetty and cannot get on a side so we berth on the end unload then go straight to the mooring.	1.clause 7.6(2) allows for a maximum time of 30 minutes for service vehicles other than professional fishermen while loading or unloading. Consideration could be given to increasing this time frame 2.This could be a variation to the local law as a drop off and pick up section at the end of the jetty only and/or reduced time frame i.e. 15 minutes, while maintaining the obstruction provisions at clause 7.5(2). This proposal Would also require cooperation between vessel operators in the event that a vessel approaching or departing the jetty would be deemed to be obstructed by the vessel on the end of the jetty.

11 May 2018	Department of Local Government, Sport and Communities – Mr S Elliott	Advising that they see no significant drafting issues but have some more general issues which have been noted for the Shire's consideration.	
24 June 2018	Mr Greg Ridgley Perfect Nature Cruises / Monkey Mia Yacht Charters Pty Ltd PO Box 46 DENHAM WA 6537	Email in regards to time limit when refuelling. Vehicle time on the jetty Using the end of the jetty	Chief Executive Officers reply email is attached
30 August 2018	Mr James Hewitt General Manager Strategy & Development RAC Parks & Resorts 832 Wellington Street WEST PERTH WA 6005	• No boats to have access to the western side of the jetty during morning dolphin interaction times. • Tour boats to have access to jetty ½ hour prior to scheduled wildlife /boat tours (This is for loading of the tour guests and time for their safety briefs). • Tour boats to operate at different times to allow for the above procedure. Boats then return to their moorings after they return from tours and the unloading of guests. • Servicing (Refuelling, stocking, repairs/maintenance) should be conducted in the afternoons to avoid the dolphin interaction experience and reduce risk to the dolphin particularly refuelling. • No Touting/soliciting on the jetty or beach area in front of jetty • Boats to be cleaned at their moorings. • Dolphin viewing to be encouraged from jetty • Consideration be given to not stirring the mud during low tides and affected the dolphin interaction experience.	• Noted restricts commercial utilisation of the jetty. Would need to be defined by time restrictions i.e. 7am – 11 am as specific dolphin feed times can vary. • Could be considered sufficient time for loading and unloading of passengers for tours. Tour times would have to be clearly scheduled and enforced to regulate with a local law. Could consider reducing allowable time on the jetty. • The shire does not control tour boat times and would need to incorporate into a local law separate access times for authorised vessels may be problematic to implement given the impost on commercial activity, could raise issues regarding optimum times for conducting cruises. .

			• Could be incorporated into local laws by consideration of variation to time frames from am to pm i.e. shorter periods in the morning longer in the afternoon, similar to clearways for traffic. • No Touting/soliciting on the jetty or beach area in front of jetty • Boats to be cleaned at their moorings. • Council has set aside an area for dolphin viewing from the jetty Would need to be a restriction in local laws on access to/from jetty during dolphin feed times.
30 August 2018	Mr Mark Smith Brockman Street Denham WA 6537	1. Remove the 6am to 6pm to allow for the unloading of fresh produce to meet market time frames and allow truck and couriers to pick up goods. Also to reduce the possible damage to fish during the heat of summer. 2. Consider lighting the end of the Jetty. Maybe worth looking into Maritime Requirement for unmarked objects and collusion regulation. Solar would be a good option.	1. Could be considered for removal, however applicable only to produce and presents possible conflict with adjacent tourism operation. 2. Not part of local laws and could be considered as part of budget process. There is no requirement under the Jetty Licence for the structure to be lit at night. I am also not aware of any spe legislation administered by Co Infrastructure that would require the S of Shark Bay to light the Monkey Mia

		3. Introduce a Code of Conduct or a new section to the section 7.5 that allows vessel capable of entering and exiting the jetty when another vessel is deemed to be obstructing without the obstructing vessel being fined. 4. 7.7 (3) allows the unloading of cargo beyond the 2 hour docking. Can it be worded differently to show this.	during the hours of darkn notwithstanding there may be good rea to do so for both safe navigation and p safety reasons. 3. A code of conduct to be enforceable would have to be part of the local law, any voluntary code of conduct would rely on the individual's operators to comply and could be open to interpretation. Proposed new section conflicts with draft section 7.5 . 4. Clause 7.3 (3) refers to the jetty and cargo not when a vessel may be moored. Clause 7.7(1) could be amended to remove the restrictions imposed under clause 7.3.ie two hour limit The wording as soon as practicable is subjective and could extend well beyond the two hour limit imposed by clause 7.3 and 7.7(1)(b)(i) The interpretation of cargo does not include passengers.
31 August 2018	Mr Mark Smith Brockman Street DENHAM WA 6537	1. Remove the 6am to 6pm to allow for the unload of fresh produce to meet market time frames and allow truck and couriers to pick up goods. Also	

		to reduce the possible damage to fish during the heat of summer. 2. Consider lighting the end of the jetty. Maybe worth looking into Maritime Requirement for unmarked objects and collusion regulation. Solar would be a good option. 3. Introduce a Code of Conduct or a new section to the section 7.5 that allows vessel capable of entering and exiting the jetty when another vessel is deemed to be obstructing without the obstructing vessel being fined. 4. 7.7(3) allows the unloading of cargo beyond the 2 hour docking. Can it be worded differently to show this.	
26 September 2018	Mr Harvey Raven Monkey Mia Wildsights Raven Multihulls Pty Ltd PO Box 22 Denham WA 6537	Email requesting jetty user meeting being at 7.30pm	Chief Executive Officer reply email attached.