

COMMENTARY 2.0 WAMA Office

INTERPRETATION OF MOORING REGULATIONS 1998 Regulation 26 - 29

EXTRACT from WAMA Main Submission p.5

"All of the above points are supported or managed by the current Mooring Regulations 1998 except the proposal at bullet point five: **"additional vessels using the mooring for storage to be limited to vessels registered/owned by the licensee."**

This proposal is ridiculous. The proposal is in total contrast to the aims of 'Mooring Regulations 1998 Division 3 - Additional Vessels.' Implementation of this proposal will probably lead to the complete elimination of 'authorised vessels' and will obviously lead to a lesser use of mooring sites.

The aim of the review is to facilitate an increase in the use of mooring sites.

Amending the current 'additional vessel' regulations to limit the types of additional vessels will be a total failure in respect to achieving a greater fair and equitable use of mooring sites.

5. The proposal to limit additional vessels to those vessels registered/owned by the current mooring licensee will not be supported to any extent by WAMA."

EXTRACT from WAMA Main Submission p.7

"Arrangements between Mooring Owners and Boat Owners requiring Short Term Storage.
WAMA supports short term storage rental arrangements between current mooring licensees and interested boat owners who require the temporary use of a mooring site.

This system can easily be facilitated under the current Mooring Regulations 1998. (Division 3 - Additional Vessels)

For example:

- An authorised vessel just needs to be registered.
- A note to the Dept that the arrangement is a rental situation.
- All cost and fees to be negotiated between the Licensee and the party renting the mooring apparatus.

Insurance issues will need to be reviewed by individual mooring owners and boat owners who participate in the short term storage rental system as proposed by WAMA.

Why is the Department currently enforcing a policy AGAINST the rental of existing moorings for short term storage purposes? See Terms and Conditions clause 14.:

14. Mooring Licences not otherwise transferable -

- A mooring licence is not transferable; and rights conferred on a person in respect of a mooring licence is not assignable and *may not pass by will or intestacy or vest by operation of law* in any other person. *The renting or leasing of a mooring site is strictly prohibited.*

The Department's review proposals to facilitate 'rental moorings' in the future appear to be in a stark contrast with the policy of absolute restriction that is currently being enforced in relation to the rental of existing and available mooring apparatus.

The ability of a mooring licensee to rent his/her mooring apparatus on a short term basis will help to boost the 'fair and equitable' use of mooring sites throughout the State.

The current 'rental' restriction has contributed significantly to the lesser use of mooring sites in the Swan and Canning Rivers.

The use of privately owned mooring apparatus (and the associated private mooring registration or mooring site licence) to facilitate the operation of a rental system which is wholly managed by the DoT is absolutely opposed by members of WAMA.

10. WAMA supports short term storage rental arrangements between mooring owners/licensees and interested boat owners who require the temporary use of a mooring site. "

Further Discussion

Relevant references:

Mooring Regulations 1998

Division 3 — Additional vessels

26. Additional vessels authorised to use mooring site

A vessel other than a licensed vessel is authorised to use a mooring site if particulars of the additional vessel are recorded in the register and on the mooring licence in respect of that mooring site.

27. Application for registration of additional vessel

An application to register an additional vessel is to —

- (a) be in an approved form that is duly completed;
- (b) be made by an individual —
 - (i) over the age of 17 years;
 - (ii) whose principal place of residence is in the State; and
 - (iii) who is named on the certificate of registration as the owner of the vessel or who produces evidence of ownership satisfactory to the Minister;
- (c) specify the particulars of the vessel in respect of which the application is made;
- (d) be accompanied by a notice in the approved form from the mooring licensee nominating the vessel as an additional vessel; and
- (e) be accompanied by the application fee specified in Schedule 2.

28. Registration of additional vessel

- (1) If the Minister grants an application for registration of an additional vessel —
 - (a) the particulars of the additional vessel, and its owner, are to be recorded in the register;
 - (b) the relevant mooring licence is to be endorsed; and
 - (c) if the vessel is not required to be registered under the *Navigable Waters Regulations 1958*², the owner of the additional vessel is to be issued with an adhesive sticker designed to identify the vessel as an additional vessel for the registered mooring site.
- (2) The Minister may refuse to register an additional vessel on the ground that the length of the vessel exceeds the maximum length approved for the mooring site for which it is proposed to register the vessel.

29. Duration of registration

- (1) Subject to these regulations, the registration of an additional vessel has effect until the particulars of the vessel and its owner are deleted from the register.
- (2) The Minister is to delete the particulars of an additional vessel and its owner from the register if —
 - (a) the owner of the additional vessel makes a written request that the registration be cancelled;
 - (b) the owner of the licensed vessel who nominated the additional vessel gives the Minister written notice that the nomination is withdrawn; or
 - (c) the mooring licence of the person who nominated the additional vessel ceases to be in force.
- (3) The Minister is not to delete the particulars under sub-regulation (2)(b) or (c) until written notice has been sent to the owner of the additional vessel, at the address recorded in the register, that the particulars are to be deleted.

Mooring Regulations 1998 EXPLANATORY MEMORANDUM 22nd Dec 1998 (Signed off by A. Director General of Transport and noted to Minister for Transport.)

p.6 Additional vessels authorised to use mooring site (Regulation 26)

"This Regulation provides for the mooring licensee to permit others to use their mooring provided that the vessel characteristics will maintain the safety and integrity of the mooring arrangements.

Regulations 27, 28 and 29 provide for the administrative arrangements to support this requirement."