

COMMENTARY 6 Experience of Swan River Mooring Owner

..., I have attached the above documents to outline what has been very unfair treatment of myself following the purchase of my mooring site. After attending the DOT Mooring Review Meeting at Point Walter and several WAMA meetings since I am now aware that what I have to say is also applicable to a large number of other mooring holders and it is an issue that needs to be addressed before moving forward.

I purchased my boat in May 2010 and immediately needed a mooring to keep her on.

Being a cautious person, in the first instance I visited the DOT mooring office for advice on buying a mooring. The advice they gave me was:

- I would need to look in the local media for details of any available mooring sites for sale as the DOT did not keep any lists.
- The sale price was not their concern and was by agreement between the parties involved in the sale.
- My nominated vessel would have to meet the requirements for approval and not be any more than 300mm longer than the Current Principle Vessel on the vendors mooring site.
- I could sell the mooring apparatus and site when I no longer needed it. The sale process would be the same process as I was using to purchase a mooring except I would then be the vendor. (This was the most important information given to me as I was on the pen waiting list at EFYC and would possibly only need the mooring for a few years).

The 'Requirements for selling a mooring on the Swan and Canning Rivers.' (downloaded on 11/5/2010) the 'Advice to Mariners. Application to Transfer a Mooring Site Licence' the 'Application to Transfer a Mooring Site' and the 'Mooring Licence Terms and Conditions' all given to me in the DOT Mooring Office (also in May 2010) confirmed that the advice given was correct.

The extract below confirms that I could sell the Mooring Tackle and more importantly even goes as far as saying that I could also sell the Mooring Site as long as the prospective mooring owner also met the approval requirements. This was important as the cost of purchasing the mooring had to be considered, If I could not have on sold the site I would definitely not have considered purchasing one. The following extract from the 'Requirements for selling a mooring on the Swan and Canning Rivers' is direct to the point:

Can I sell my mooring tackle?

Yes. With the exception of the Department's yellow mooring buoy, the mooring tackle remains your property at all times. However, you can not sell the mooring site unless the Department approves for it to be transferred.

Firstly, the prospective mooring owner must lodge an "Application to Transfer a Mooring Site" with the Department and pay an administration fee. The vessel which is requested to be the new principal vessel (which must be a "suitable vessel") must be of equal or less length of the mooring owners vessel (the current principal vessel).

The application to transfer a mooring site which was approved when I purchased the mooring made provision for the mooring vendor to transfer the mooring to the purchaser with or without the current licensed vessel.

Application to Transfer a Mooring Site Licence	MOORING NUMBER	
	Licensed for maximum vessel length:	9.2 (metres)
Transfer <i>including</i> Licenced vessel currently registered as the Licensed vessel for this mooring site.		
Transfer of mooring <i>without</i> Licenced vessel currently registered to the Mooring Site Licence		✓
		(please tick selection)

The ‘Advice to mariners, Application to Transfer a Mooring Site licence.’ States that for an application to be considered the applicant must provide the following:

* *Nomination of a suitable vessel of the same or less length as the current registered principal vessel.*

All considered the rules and regulations provided were very clear indeed.

Finding a mooring to purchase was very easy, there was quite a few for sale through various media outlets.(newspapers, boat brokers, internet, gumtree). I immediately found one for sale in the quokka (mooring ...) in the location I wanted adjacent EFYC. Once again I visited the mooring office and the officer there was very helpful and gave me a printout of the location and told me that it was one of the best positions on the river. I did advise him of the asking price but once again I was told that the vendors price was not the concern of the DOT. I purchased the mooring and completed the transfers at the same time.

A simple and painless process.... NOT FOR LONG!

Six months later (December 2010), I received the (attached) letter From the DOT to clarify the Mooring Regulations, the letter begins with the following message:

Following a recent internal review of moorings in the Swan and Canning River MCA, it has become necessary to clarify certain matters regarding the transferring and leasing of moorings.

I was now confused as I thought that the rules regarding the transferring of moorings were well documented could not have been clearer.

The content of the letter basically reversed the advice, and the literature that I had been given by the DOT six months earlier:. According to the advice in this letter:

- I could no longer sell the Mooring Site only the mooring tackle.
- A transfer of the mooring site would not be considered unless the applicant was the owner of the current principle vessel.

I was astounded by the letter, did this mean that the DOT had misinterpreted and misused the Mooring Regulations 1998 for the preceding 12 years since their inception? I could see that this reversal of advice would leave me substantially out of pocket, I am not a wealthy person and the purchase price of the mooring was certainly money that I could not afford to lose. The DOT in their actions had done me a great disservice and not at all in keeping with how a public service should treat those that it is supposed to serve.

In 2014 I did move my boat into a pen at EFYC as planned. I was not sure what to do with the mooring, I could no longer sell the mooring with the approval of the DOT. I could not transfer the mooring as I was keeping the primary vessel. I could not bear the financial loss of simply handing the site back to the DOT. The mooring sat empty for the better part of 12 months.

The cost of holding a mooring (maintenance, administration and holding costs) eventually proved too great when coupled with the costs of leasing the pen at EFYC. I could see no alternative but to give up the Pen at EFYC move the boat back onto the mooring and hope that some solution could be reached. I moved the boat back onto the mooring earlier this year.

I believe that the DOT is largely unaware of the pain that they have caused myself and a large group of others who find themselves in a similar position. The DOT should take responsibility to make right the problems that they have caused. ... It is obvious ... that the BWA are also largely unaware of the plight of a large group of mooring holders such as myself. (There are a number of other pressing issues as well but they can be the subject of further discussion). The fact that so many mooring owners feel unrepresented is the main reason for the existence of the recently formed WAMA association. I for one welcome its existence.

The main purpose of this Email is not to argue the rights or wrongs of the advice given but rather to highlight how an abrupt change to the implementation of the act has clearly disadvantaged myself and many others who find themselves in a similar position. It certainly is not fair treatment of this section of the boating public.

I see the current Mooring Review process as an ideal vehicle to sort out this and a number of other issues.

Best Regards,

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Note; This is a personal Email only and is not representative of any other person or body.

Refer to:
APPENDIX 1.0 to 6.0

Edited by WAMA Office June 2015