



# Changes to moorings in WA

## Frequently asked questions

### Mooring Regulation Streamline Review

#### ***What has prompted changes to the way moorings are managed in WA?***

In 2014 the Department of Transport (DoT) commenced the Mooring Regulation Streamline Review. Key recommendations flowing from the review have now been endorsed by the State Government and the improvements will be implemented following legislative changes later next year.

#### ***Why was a review conducted?***

WA moorings are currently managed under two separate sets of regulations. The main aim of the review was to develop a fairer, more equitable system allowing all moorings in WA to be managed under one set of regulations.

#### ***Was consultation undertaken as part of the review?***

DoT consulted with an extensive number of stakeholders during the review process.

A two-stage consultation plan with opportunities for community input through online surveys and community information sessions was implemented throughout 2015.

A working group representing key boating organisations and other main stakeholders was formed. This helped in the development of the initial *Mooring Management Discussion Paper* which was released for wider community comment in Stage One of the review.

Input from stakeholders and the community was then incorporated in the *Moorings Management Position Paper* which was released for comment in Stage Two of the review.

The feedback received during Stage Two was used to finalise DoT's position and seek endorsement from the Minister for Transport to amend the Mooring Regulations 1998.

#### ***What are the recommended outcomes of the review?***

The *Final Mooring Management Position Paper* sets out the recommendations and is contained in the document *Mooring Regulation Streamline Review 2014-2016* which is available on the DoT website

[www.transport.wa.gov.au/mooringreview](http://www.transport.wa.gov.au/mooringreview)

## The changes

### ***Where will the changes apply?***

Currently DoT is responsible for the management of most, but not all moorings in WA State coastal waters. DoT has jurisdiction over all recreational moorings in State coastal waters outside of Port Authorities, Marine Parks, Rottnest Island Marine Reserve and the Commonwealth waters surrounding Garden Island.

DoT currently administers moorings within proclaimed Mooring Control Areas or MCAs in the Swan Canning Riverpark under the Mooring Regulations 1998. DoT also administers moorings at Mangles Bay, Rockingham, Peel, Albany and Carnarvon under the Shipping and Pilotage (Mooring Control Areas) Regulations 1983. Moorings within these MCAs will be the first to be transitioned into the amended Mooring Regulations 1998.

It is estimated some 1,500 moorings remain unlicensed throughout State waters. It is proposed that once the regulations are introduced, DoT will work systematically to license these moorings through the declaration of new MCAs.

### ***Will there be big changes for current licensees?***

No. Mooring licensees within a proclaimed MCA who predominately use their mooring for the purpose of storing a licensed vessel will experience minimal change.

As a result of the review, creating additional MCAs may be considered. In that case, boat users might be required to apply for a mooring in a new MCA.

Existing unauthorised moorings situated in a newly created MCA may be licensed if they meet required standards.

### ***I am a registered mooring holder currently registered under the Shipping and Pilotage Regulations. How does this affect my mooring registration?***

Transitional arrangements will be put in place to assist a smooth transition from the Shipping and Pilotage (Mooring Control Area) Regulations 1983 to a licensed mooring site holder under the amended Mooring Regulations 1998.

This transition may occur at the time of your licence renewal. The transition into the Mooring Regulations 1998 should also see the removal of GST from your annual fee.

### ***Will the changes see the replacement of annual licences with a daily rate?***

No. Annual licensing will remain. However, the changes will allow DoT to provide new rental moorings that will be available to the public on a daily or weekly basis.

### ***Under the proposed changes will I be able to sell my mooring; I bought it so I should be able to recoup my costs?***

The current regulations are clear: there is no value to a mooring site apart from the mooring apparatus. Any transactions between two parties are not recognised by DoT. This will continue to be the case following the implementation of the changes to moorings. However, when a new licence is issued for a mooring, there is the opportunity to negotiate the sale of the mooring apparatus. Any mooring contractor will be able to provide independent advice on the value of an apparatus.

***Do the changes allow me to sell my mooring with my boat?***

No. If a licensee sells their boat and does not wish to substitute another suitable vessel, they will be required to relinquish the mooring site licence.

A range of alternative storage options is available and purchasers of the vessel will need to seek alternate storage arrangements.

In MCAs that are at capacity and have a wait list in place moorings will be reallocated by DoT via the wait list. The site will then be offered to the next person on the wait list with the preferred boat size. In areas not at capacity the new owner may seek a new mooring site licence. This may be at the same site as the relinquished mooring.

It is important to note that anyone who doesn't already own a boat and is issued a mooring site licence through the wait list process will then need to nominate a suitable vessel within three months. This process ensures that anyone in the community has the opportunity to secure a mooring site licence.

## **Classes of moorings**

***The changes include new classes for moorings. Why?***

A number of classes of moorings will be established to reflect the different uses and associated administration requirements for each.

The aim of this system is to provide clarity on the appropriate use of each type of mooring. For example, moorings licensed to government agencies, moorings primarily for commercial purposes etc. Each classification of mooring will be subject to terms and conditions to ensure equitable and safe use.

***Why is there rental moorings if there's a new opt-in shared use mooring system?***

Rental moorings will be owned and maintained by DoT and be available to be booked for a fee which will provide vessel skippers with the security of knowing they have a safe location for their boat when exploring new destinations. Unlike the opt-in shared use mooring system, rental moorings allow the vessel skipper to leave the vessel on the rental mooring unmanned for the period it has been booked.

## **Unlicensed moorings and MCAs**

***Why weren't more moorings created instead of changing the rules?***

It is environmentally and spatially unsustainable to provide mooring sites for all boat owners.

There are about 97,000 recreational boat owners in WA and of those; about two per cent have approved moorings.

A consequence of the review may be that some extra MCAs are created, but the main aim of the review was to examine options to better optimise mooring use.

## Improved access to moorings

### ***How will the changes improve access to moorings?***

Under the changes a wait list will be introduced in MCAs that have reached capacity and vessel owners seeking a mooring will be able to apply to go on the wait list. This new system will allow moorings to be allocated fairly by DoT.

### ***If a wait list is implemented in a MCA I am interested in, will I need a vessel to be on the wait list?***

No. However, you will need to nominate a preferred vessel size when applying for a place on a wait list. Should you be offered a mooring of the nominated size, you will have three months in which to obtain a suitable vessel that complies with the mooring specifications.

### ***Under the changes will I be able to inherit a mooring licence?***

No. However, it is recognised that dealing with the death of family member and their estate can be a difficult time.

In line with the current management of vessels bequeathed to an immediate family member, as part of a deceased estate DoT will consider providing a new licence to a beneficiary. This new licence will be restricted to the vessel and the licensee will not be able to substitute another vessel.

This approach ensures a balance with the principle of fair and equitable access, while also allowing a family to effectively deal with an estate.

### ***I am not a mooring owner or licensee, how will the changes improve my access to moorings ?***

The changes will see greater access to existing moorings through the introduction of an opt-in shared use mooring system. The introduction of rental moorings that can be booked in advance will also provide an assurance that you will have access to a secure mooring site on arrival at your destination and further open the opportunity to explore WA's great waterways.

The introduction of a wait list will also provide a fair and equitable mechanism to obtain a mooring in areas that have already reached capacity

## Opt-in shared use mooring system

### ***How will the opt-in shared use mooring system work?***

Key points about the system:

- Mooring licensees can decide to opt-in to the shared use mooring system.
- Licensees who opt-in will pay a reduced mooring licence fee as well as automatic access to the shared use mooring system.
- Licensees who opt out will pay the full licence fee and not receive automatic access to the shared use mooring system.

Under the shared use mooring system the following will apply:

- The existing licensee will retain priority use of the mooring.
- Boat owners wanting access to the system will apply for authorisation and will be issued a sticker to display on their vessel.

- All recreational moorings will have a coloured disc attached to the mooring which will indicate the size of vessel that can use the mooring.
- Authorised share use mooring vessels are only allowed to use the mooring on a short-term basis. A Recreational Skipper's Ticket holder capable of moving the vessel immediately must remain on the boat at all times as the licensee has priority use.

***As an existing mooring licensee, how will the introduction of a shared use mooring system affect my mooring?***

Mooring licensees will have the option when initially licensing or renewing their mooring site licence to opt-in to the shared use mooring system.

Licensees who opt-in will receive a reduced mooring licence fee and be automatically provided a permit to access the system and use suitably sized and marked moorings as part of the shared use mooring system.

Their mooring will be required to have a coloured disc (supplied by DoT) attached to their mooring indicating which size vessels may use their mooring on a short-term casual basis. This is four hours per day or overnight from 7 pm to 7 am. To ensure the mooring licensee has access to the mooring the holder of a Recreational Skippers Ticket must remain on the visiting vessel to allow it to be moved if the licensee returns.

Licensees who opt out of the system will pay the full licence fee and be provided a red disc to attach to their mooring indicating that the mooring is not available as part of the shared use mooring system. If they wish to utilise the shared use mooring system they will have to pay for authorisation.

***Will the shared use mooring system model be the same as the one at Rottnest?*** The system is modelled on the Rottnest system but is not the same. The coloured disc system is consistent with that used at Rottnest but with two extra smaller categories reflecting a large number of moorings that are rated for vessels less than 10 metres.

## **Authorised use**

***Can I still nominate to be an authorised user?***

Yes, under the changes a licensee will be permitted to nominate one vessel to be an authorised user for a defined period up to nine months for the licensed period (12 months) in addition to the licensed vessel. It is acknowledged that, at times, a mooring licensee may not be using their mooring for an extended period. However, it is also recognised that moorings should primarily be used for the storage of a licensee's vessel.

## Fees

### ***Will the proposed changes affect mooring fees?***

Currently fees are not consistent for moorings across WA.

The changes will ensure fees are consistent across all MCAs.

### ***Will fees increase?***

Fees are based on cost recovery and the aim is to create a more streamlined, less complex system which should minimise pressure on future fee increases.