

Transport Regulations Amendment (Mooring Management) Regulations 2021

SL 2021/147

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Mooring Management) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 28 September 2021.

Part 2 — *Mooring Regulations 1998* amended

3. Regulations amended

This Part amends the *Mooring Regulations 1998*.

4. Regulation 2 amended

- (1) In regulation 2 delete the definitions of:

approved

Director General

mooring control area

overall length

- (2) In regulation 2 insert in alphabetical order:

Act means the *Western Australian Marine Act 1982*;

approved means approved by the CEO;

CEO means the chief executive officer;

commercial general mooring site means a mooring site designated under regulation 7B(1)(e);

commercial resources mooring site means a mooring site designated under regulation 7B(1)(f);

courtesy mooring site means a mooring site designated under regulation 7B(1)(d);

emergency mooring site means a mooring site designated under regulation 7B(1)(c);

maximum vessel length, for a mooring site, means the approved maximum length that a vessel may have to use the mooring site;

mooring control area means a mooring control area declared under the *Shipping and Pilotage Act 1967* section 10(2) to which these regulations apply under regulation 3;

mooring site means the waters in a mooring control area —

- (a) in respect of which a mooring licence is granted; or
- (b) in respect of which the CEO has designated an emergency mooring site, a courtesy mooring site or a rental mooring site;

pleasure vessel has the meaning given in section 98(1) of the Act;

recreational mooring site means a mooring site designated under regulation 7B(1)(a);

rental mooring site means a mooring site designated under regulation 7B(1)(b);

shared-use recreational mooring site means a recreational mooring site to which regulation 7C(3) applies;

tender has the meaning given in the *Navigable Waters Regulations 1958* regulation 45A(2);

- (3) In regulation 2 in the definition of **additional vessel** delete “under regulation 26;” and insert:

site under regulation 26(1);

- (4) In regulation 2 in the definition of **length** before paragraph (a) insert:

- (aa) in the case of a vessel that has a certificate of survey in which the length of the vessel is specified — the length so specified; and

- (5) In regulation 2 in the definition of *mooring licence* paragraph (a) delete “*Western Australian Marine Act 1982*” and insert:

Act

- (6) In regulation 2 in the definition of *register* delete “regulation 8;” and insert:

regulation 9;

5. Regulation 3 replaced

Delete regulation 3 and insert:

3. Application

- (1) Subject to subregulation (2), these regulations apply to each mooring control area specified in Schedule 1 Division 1.
- (2) These regulations do not apply to an area within a mooring control area specified in Schedule 1 Division 1 if the area is identified as an excluded area on a plan in Schedule 2.
- (3) The CEO must publish on the Department’s website plans of each mooring control area specified in Schedule 1 Division 1, and those plans must show each area identified as an excluded area.

6. Part 2 heading replaced

Delete the heading to Part 2 and insert:

Part 2 — Moorings and mooring sites in mooring control areas

Division 1 — Installation, removal and use of moorings

7. Regulation 4 replaced

Delete regulation 4 and insert:

4. Installation of moorings

- (1) A person must not install a mooring in a mooring control area without the written permission of the CEO.
Penalty for this subregulation: a fine of \$2 000.
- (2) Subregulation (1) does not apply to the CEO.

8. Regulation 5 amended

- (1) In regulation 5(1):
 - (a) delete the passage that begins with “If a mooring —” and ends with “the State,” and insert:

If a mooring is installed contrary to regulation 4, the CEO may by written notice —

 - (a) given to the owner of the mooring; or
 - (b) if the identity or whereabouts, or both, of the owner cannot be ascertained after reasonable inquiry — published once in a newspaper circulating throughout the State,
 - (b) delete “of service or publication of the notice)” and insert:

the notice is given or published)
- (2) Delete regulation 5(2) and (3) and insert:
 - (2) If the owner of the mooring fails to comply with a notice under subregulation (1), the CEO may dispose of the mooring by —
 - (a) removing the mooring; and
 - (b) storing or destroying the mooring.
 - (3) The CEO is not liable for any loss suffered by the owner of the mooring because of action taken by the CEO under subregulation (2), and any costs incurred in taking that action may be recovered by the CEO —
 - (a) as a debt due to the State in a court of competent jurisdiction; or
 - (b) by the sale of the mooring.

9. Regulations 6, 6A and 7 replaced

Delete regulations 6, 6A and 7 and insert:

6. Use of moorings

- (1) A person must not cause or permit a vessel to be secured to a mooring on a mooring site unless the vessel is authorised for the purposes of subregulation (2).

Penalty for this subregulation: a fine of \$1 000.

- (2) A vessel is authorised for the purposes of this subregulation —
- (a) if the vessel is authorised to use the mooring site under Division 2 or under regulation 24 or 26 or, subject to paragraph (b), is a tender of a vessel so authorised; and
 - (b) for a tender of a vessel referred to in paragraph (a) that uses the mooring site under the authority of a mooring licence or another form of authorisation — if the tender's use of the mooring site complies with the conditions of the licence or authorisation.

- (3) Subject to subregulation (5), a person must not cause or permit a vessel for which an identification sticker has been issued under these regulations to be secured to a mooring on a mooring site unless the vessel exhibits the identification sticker so that it is clearly visible from the exterior of the vessel.

Penalty for this subregulation: a fine of \$1 000.

- (4) In subregulation (3) —

identification sticker means the adhesive sticker referred to in regulation 7D(4)(a), 24(3) or 28(1)(c).

- (5) Subregulation (3) does not apply to a vessel that is —
- (a) authorised under regulation 7F to use the mooring on a rental mooring site; or
 - (b) authorised under regulation 7H to use the mooring on an emergency mooring site; or
 - (c) authorised under regulation 7I to use the mooring on a courtesy mooring site.
- (6) A vessel secured to a mooring on a mooring site is secured at the risk of the owner of the vessel.

7. Securing and anchoring vessels in mooring control areas

- (1) In this regulation —
Division 2 mooring control area means a mooring control area specified in Schedule 1 Division 2;
mooring site includes a mooring site in respect of which a mooring licence —
- (a) has previously been in force but is not currently in force; or
 - (b) has been offered under regulation 11 but not yet accepted.
- (2) A person must not cause or permit a vessel to be secured or anchored in a mooring control area at a location, or in a manner, that causes a risk of damage to —
- (a) a mooring on a mooring site; or
 - (b) a vessel secured to a mooring on a mooring site.
- Penalty for this subregulation: a fine of \$1 000.
- (3) A person must not cause or permit a vessel to be secured or anchored for a period of more than 6 hours in a Division 2 mooring control area.
Penalty for this subregulation: a fine of \$1 000.
- (4) Subregulation (3) does not apply to —
- (a) a vessel that is secured to a mooring that is not an anchor; or
 - (b) a tender that is secured to another vessel; or
 - (c) a vessel that is secured or anchored in an emergency; or
 - (d) a vessel on which there remains, for the whole of the period that it is secured or anchored, a person who is qualified to move the vessel.

10. Part 2 Division 2 inserted

At the end of Part 2 insert:

Division 2 — Classes of mooring sites

7A. Term used: permissible vessel length

In this Division —

permissible vessel length means the maximum vessel length for a shared-use recreational mooring site, as indicated by an approved coloured disc attached to the mooring on the site, when used by a vessel authorised under regulation 7C(5) or 7D(2).

7B. Designation of mooring sites

- (1) The CEO may designate a mooring site as —
 - (a) a recreational mooring site; or
 - (b) a rental mooring site; or
 - (c) an emergency mooring site; or
 - (d) a courtesy mooring site; or
 - (e) a commercial general mooring site; or
 - (f) a commercial resources mooring site.
- (2) The CEO may exercise the power conferred under subregulation (1) to change the designation of a mooring site previously designated under that subregulation.

7C. Recreational mooring sites: use by licensees

- (1) A recreational mooring site is a mooring site for a pleasure vessel.
- (2) Subject to this regulation and regulation 7D, a mooring licensee whose mooring licence specifies a recreational mooring site has the exclusive use of the mooring on that mooring site by —
 - (a) the licensed vessel for that mooring site; and
 - (b) any additional vessel for that mooring site.
- (3) A mooring licensee whose mooring licence specifies a recreational mooring site may agree, in the application for the licence or by written notice given to the CEO at any anniversary of the grant of the licence, to allow the mooring site to be used as a shared-use recreational mooring site.
- (4) A mooring licensee who agrees to allow a recreational mooring site to be used as a shared-use recreational mooring site may withdraw that agreement by written notice given to the CEO at any anniversary of the grant of the mooring licence.
- (5) Subject to regulation 7D, if subregulation (3) applies to a mooring licensee, the CEO must authorise the licensee's licensed vessel under regulation 7D(2), without payment of the fee referred to in regulation 7D(3)(b), to use the mooring on any other shared-use recreational mooring site.

- (6) The authorisation of a licensed vessel under regulation 7D(2) by the operation of subregulation (5) —
 - (a) has no effect during any period when the mooring licensee's annual mooring licence fee remains unpaid after the day on which payment is required under regulation 13(2); and
 - (b) is cancelled if the mooring licensee gives notice under subregulation (4).
- (7) If a mooring licensee sells a licensed vessel (the *sold vessel*) that is authorised under regulation 7D(2) by the operation of subregulation (5), the sold vessel continues to be authorised under those provisions until the next anniversary of the grant of the mooring licence.
- (8) If another vessel (the *substituted vessel*) is substituted for the sold vessel as the licensed vessel following a request by the mooring licensee under regulation 25(1), the substituted vessel cannot be authorised under regulation 7D(2) by the operation of subregulation (5) until the payment of the annual mooring licence fee at the next anniversary of the grant of the mooring licence.

7D. Recreational mooring sites: use of shared-use moorings

- (1) In this regulation —

shared-use mooring means the mooring on a shared-use recreational mooring site.
- (2) Subject to subregulation (5), if the owner of a pleasure vessel applies to the CEO in the approved form, the CEO may, by written notice given to the applicant, authorise the vessel to use any shared-use mooring.
- (3) An application under subregulation (2) —
 - (a) must be made by an individual who has reached 17 years of age whose principal place of residence is in the State; and
 - (b) must be accompanied by the fee specified in Schedule 3 item 1; and
 - (c) must provide the particulars of the vessel proposed to use any shared-use mooring, including satisfactory evidence of the vessel's length and ownership.

- (4) The authorisation by the CEO under subregulation (2) (including by the operation of regulation 7C(5)), may be given subject to conditions, including conditions relating to —
 - (a) the use of an adhesive sticker designed to identify a vessel using a shared-use mooring; and
 - (b) the times when a person who is qualified to move the vessel may be required to remain on a vessel using a shared-use mooring.
- (5) The authorisation for a vessel to use a shared-use mooring —
 - (a) subject to paragraph (d) and regulation 7C(6) — is valid for the period of 12 months; and
 - (b) has effect only if the length of the vessel does not exceed the permissible vessel length for the mooring site; and
 - (c) is suspended for any period during which the use of the mooring is required for —
 - (i) the licensed vessel for the mooring site; or
 - (ii) any additional vessel for the mooring site;
 - (d) may be cancelled by the CEO if any condition to which the authorisation is subject under subregulation (4) is breached.

7E. Cancellation of shared-use authorisation

- (1) In this regulation —

authorisation means an authorisation given by the CEO under regulation 7D(2).
- (2) If the CEO proposes to cancel an authorisation, the CEO must give the owner of the vessel that is the subject of the authorisation written notice of the proposal and the reasons for the proposal.
- (3) A notice given under subregulation (2) must state that, within 14 days after the notice is given, the owner of the vessel may make written representations to the CEO concerning the proposed cancellation.

- (4) If, after considering any representations received within the period of 14 days referred to in subregulation (3), the CEO determines to cancel the authorisation, the CEO must give the owner of the vessel that was the subject of the authorisation written notice of the cancellation.
- (5) The cancellation of an authorisation has effect —
 - (a) on the date specified in the notice, which must be later than the date the notice is given; or
 - (b) if no date is specified in the notice — 7 days after the notice is given.
- (6) The validity of a mooring licensee's mooring licence is not affected if —
 - (a) the licensee's licensed vessel is authorised under regulation 7D(2) by the operation of regulation 7C(5); and
 - (b) the authorisation is cancelled by the CEO or otherwise ceases to have effect.

7F. Rental moorings sites

- (1) In this regulation and regulation 7G —

rental period means the period determined by the CEO under subregulation (2);

specified mooring site means the rental mooring site specified in an application under subregulation (2).
- (2) If a person applies to the CEO in the approved form, the CEO may, by written notice given to the applicant, authorise the vessel specified in the application to use the specified mooring site for the period determined by the CEO.
- (3) When determining the rental period, the CEO must have regard to the information provided by the applicant under subregulation (4)(d).
- (4) An application under subregulation (2) —
 - (a) must be made by an individual who has reached 17 years of age; and
 - (b) must be accompanied by the fee specified in Schedule 3 item 2; and
 - (c) must provide the particulars of the vessel proposed to use the specified mooring site, including satisfactory evidence of the vessel's length; and
 - (d) must state the dates on which the period requested by the applicant as the rental period begins and ends.

- (5) The authorisation by the CEO under subregulation (2) —
 - (a) may be given subject to conditions, including conditions relating to the maximum vessel length for the specified mooring site; and
 - (b) may be cancelled by the CEO if any condition to which the authorisation is subject under paragraph (a) is breached.
- (6) The CEO must give written notice of the cancellation of an authorisation, including the reasons for the cancellation, to the person who applied for the authorisation.
- (7) Without limiting the *Interpretation Act 1984* sections 75 and 76, the notice may be given by being attached to the vessel that is the subject of the authorisation.
- (8) The cancellation of an authorisation has effect —
 - (a) on the date specified in the notice, which must be later than the date the notice is given; or
 - (b) if no date is specified in the notice — 7 days after the notice is given.

7G. Refund of rental mooring site fee

- (1) If the person who applied for an authorisation under regulation 7F(2) notifies the CEO in the approved manner before the beginning of the rental period that the person no longer requires the use of the specified mooring site, the CEO —
 - (a) may determine and retain a reasonable amount of the fee paid under regulation 7F(4)(b) as a cancellation fee; and
 - (b) must refund to the person the balance of that fee.
- (2) The reasonable amount referred to in subregulation (1)(a) —
 - (a) may vary according to the circumstances in which the applicant notifies the CEO under subregulation (1), including how long before the beginning of the rental period the notification is given; and
 - (b) must not exceed 50% of the relevant fee paid by the applicant.
- (3) The CEO may refund all of the relevant fee paid by the applicant if the CEO determines that it is appropriate to do so in the circumstances.

7H. Emergency mooring sites

- (1) The mooring on an emergency mooring site may be used by a vessel without charge —
 - (a) for the period during which the vessel is experiencing an emergency; or
 - (b) for any longer approved period.
- (2) Within 24 hours after a vessel is secured to the mooring on an emergency mooring site, the person in charge of the vessel must notify the CEO in the approved manner of the vessel having been so secured.
Penalty for this subregulation: a fine of \$1 000.
- (3) The person in charge of a vessel must not, without the approval of the CEO, cause or permit the vessel to be secured to the mooring on an emergency mooring site if —
 - (a) the vessel is not experiencing an emergency; or
 - (b) the emergency that the vessel was experiencing has ended; or
 - (c) the length of the vessel exceeds the maximum vessel length for the mooring site, as marked on the buoy that forms part of that mooring.

Penalty for this subregulation: a fine of \$1 000.

7I. Courtesy mooring sites

- (1) The mooring on a courtesy mooring site may be used by a vessel without charge —
 - (a) for the period marked on the buoy that forms part of that mooring; or
 - (b) for any longer approved period.
- (2) The person in charge of a vessel must not cause or permit the vessel to be secured to the mooring on a courtesy mooring site for a period that is greater than the period referred to in subregulation (1)(a) or (b), as the case requires.
Penalty for this subregulation: a fine of \$1 000.
- (3) The person in charge of a vessel must not, without the approval of the CEO, cause or permit the vessel to be secured to the mooring on a courtesy mooring site if the length of the vessel exceeds the maximum vessel length for the mooring site, as marked on the buoy that forms part of that mooring.

Penalty for this subregulation: a fine of \$1 000.

7J. Damage to moorings on certain mooring sites

- (1) In this regulation —
applicant means the person who applied to the CEO under regulation 7F(2);
rental period has the meaning given in regulation 7F(1).
- (2) Subregulation (4) applies if —
 - (a) the mooring on a rental mooring site is damaged or destroyed during the rental period; or
 - (b) the mooring on an emergency mooring site is damaged or destroyed by a vessel using the mooring under regulation 7H; or
 - (c) the mooring on a courtesy mooring site is damaged or destroyed by a vessel using the mooring under regulation 7I.
- (3) For the purposes of subregulation (2)(a), the mooring on a rental mooring site is taken to have been damaged or destroyed during the rental period if —
 - (a) at the end of the rental period, the mooring is damaged or destroyed; and
 - (b) the applicant did not report the damage or destruction to the CEO at the beginning of the rental period.
- (4) The CEO may recover the cost of the repair or replacement of the mooring (the *damage*) as a debt due to the State in a court of competent jurisdiction from —
 - (a) if subregulation (2)(a) applies, the applicant or the person referred to in subregulation (5)(a), as the case requires; or
 - (b) if subregulation (2)(b) or (c) applies —
 - (i) the person in charge of the vessel at the time the damage occurred; or
 - (ii) the owner of the vessel that caused the damage if, after reasonable inquiry, the identity or whereabouts of the person referred to in subparagraph (i) cannot be ascertained.
- (5) Subregulation (4)(a) does not apply to the applicant if the applicant satisfies the CEO that —
 - (a) the damage was caused by the act or omission of another person identified by the applicant; and
 - (b) the applicant could not have prevented the damage by the exercise of reasonable care.

7K. Commercial general mooring sites

- (1) A commercial general mooring site is a mooring site for a commercial vessel other than a commercial vessel of the kind referred to in regulation 7L(1)(a).
- (2) A mooring licensee whose mooring licence specifies a commercial general mooring site has the exclusive use of the mooring on that mooring site by —
 - (a) the licensed vessel for that mooring site; and
 - (b) any additional vessel for that mooring site.

7L. Commercial resources mooring sites

- (1) A commercial resources mooring site is a mooring site for —
 - (a) in the case of the licensed vessel for the mooring site — a commercial vessel that is used primarily in connection with a mining industry, including an industry engaged in mining for minerals, petroleum or geothermal energy; and
 - (b) in the case of an additional vessel for the mooring site — a commercial vessel.
- (2) A mooring licensee whose mooring licence specifies a commercial resources mooring site has the exclusive use of the mooring on that mooring site by —
 - (a) the licensed vessel for that mooring site; and
 - (b) any additional vessel for that mooring site.

11. Regulations 8 and 9 replaced

Delete regulations 8 and 9 and insert:

8. Applications for mooring licence

- (1) A person may apply to the Minister for a mooring licence in relation to a vessel only if the vessel is 5 metres or more in length.
- (2) An application for a mooring licence —
 - (a) must be made in an approved form; and
 - (b) must be made —
 - (i) if the relevant mooring site is, or is proposed to be, a recreational mooring site — by an individual who has reached 17 years of age whose principal place of residence is in the State; or

- (ii) if the relevant mooring site is, or is proposed to be, a commercial general mooring site or a commercial resources mooring site — by a body corporate or by an individual who complies with subparagraph (i);

and

- (c) must state —
 - (i) the length of the vessel proposed to be authorised to use the mooring site; or
 - (ii) the estimated length of that vessel if it is not owned by the applicant at the time the application is made;

and

- (d) if the application is made in respect of an existing mooring site — must nominate the relevant mooring control area; and
- (e) if the application is made in respect of a proposed mooring site — must nominate a general location or area for the proposed mooring site; and
- (f) must state whether that mooring site is, or is proposed to be, a recreational mooring site, a commercial general mooring site or a commercial resources mooring site; and
- (g) must be accompanied by —
 - (i) the fee listed in Schedule 3 item 3; and
 - (ii) any other information that the Minister reasonably requires for a proper consideration of the application.

- (3) If the application is made by a body corporate —
 - (a) the information referred to in subregulation (2)(g)(ii) may include satisfactory evidence that the individual who completed the application form was authorised by the body corporate to do so; and
 - (b) the application form must include details of at least 1 individual —
 - (i) who has reached 17 years of age whose principal place of residence is in the State; and
 - (ii) who is authorised by the body corporate to act on its behalf in relation to the mooring licence and the Department.

9. Register of mooring licences

- (1) The CEO must keep a register of the mooring licences issued in relation to each mooring control area.
- (2) The register must specify for each mooring licence —
 - (a) the location and number of the mooring site for which the licence is granted (the *relevant mooring site*); and
 - (b) if the mooring licensee is an individual — the licensee’s full name, address, telephone number and date of birth; and
 - (c) if the mooring licensee is a body corporate —
 - (i) if applicable, the body corporate’s Australian Company Number or Australian Registered Body Number; and
 - (ii) the body corporate’s principal business address and telephone number; and
 - (iii) the full name, address, telephone number and date of birth of an individual whose details were included in the application for the mooring licence under regulation 8(3)(b); and
 - (iv) details of an individual nominated by the licensee to be contacted in an emergency, including the individual’s full name, address and telephone number;and
 - (d) the maximum vessel length for the relevant mooring site; and
 - (e) the particulars of the licensed vessel for the relevant mooring site; and
 - (f) the particulars of —
 - (i) any additional vessel authorised to use the relevant mooring site; and
 - (ii) unless the relevant mooring site is a commercial resources mooring site — the owner of that vessel.
- (3) The CEO must, on the written request of a mooring licensee, provide the licensee with a copy of the particulars specified in the register in respect of the licensee’s mooring licence.

- (4) The CEO must —
 - (a) keep a record of the number of every registered mooring site, and the name of the mooring licensee authorised to use the mooring site, at an office of the Department specified on the Department’s website; and
 - (b) make the record available for inspection by the public, free of charge, during office hours.
- (5) A person who inspects the record kept under subregulation (4) must not copy, photograph or otherwise make a record or image of any information in that record.

Penalty for this subregulation: a fine of \$500.
- (6) A mooring licensee must give the CEO written notice of any alteration to the particulars referred to in subregulation (2)(b), (c), (e) and (f) within 15 days after the alteration occurs.

Penalty for this subregulation: a fine of \$500.
- (7) If a mooring licence is surrendered or cancelled, the CEO must delete from the register the particulars relating to the licence and the mooring site for which the licence was granted.

12. Regulation 10 amended

- (1) In regulation 10(2)(b) delete “subject to subregulation (3),”.
- (2) Delete regulation 10(3) and insert:
 - (3) The Minister may place an applicant on a waiting list if the application relates to a vessel that is 5 metres or more in length.

Note: The heading to amended regulation 10 is to read:

Waiting lists for mooring licences may be established

13. Regulation 11 amended

- (1) In regulation 11(1)(b):
 - (a) delete “the name of”.
 - (b) delete “he or she” and insert:

the applicant

- (2) After regulation 11(1) insert:
- (1A) Despite the operation of subregulation (1) in relation to a waiting list, the Minister may offer a mooring licence to an applicant who is not the first applicant on the waiting list if the Minister is satisfied that there are special circumstances that justify the applicant being offered the licence.
- (1B) The special circumstances mentioned in subregulation (1A) are circumstances determined by the Minister and include such circumstances that relate to —
- (a) the specified vessel forming part of a deceased person's estate; and
 - (b) the size of the specified vessel; and
 - (c) the joint ownership of the specified vessel.
- (3) In regulation 11(2) delete “notice to” and insert:
- notice offering a mooring licence to the applicant at
- (4) In regulation 11(4)(d) delete “is to” and insert:
- may

14. Regulation 12 amended

- (1) Delete regulation 12(1) and insert:
- (1) The Minister may grant a mooring licence —
- (a) if the Minister is notified of acceptance of an offer; and
 - (b) if the applicant nominates a suitable vessel as the licensed vessel; and
 - (c) if the appropriate annual mooring licence fee specified in Schedule 3 item 4, 5, 6 or 7 is paid; and
 - (d) where there is a mooring on the mooring site — if the Minister has received satisfactory evidence that the applicant has acquired the mooring or that the applicant does not intend to acquire the mooring; and

- (e) where the applicant has acquired the mooring — if the applicant has obtained and given to the Minister a mooring inspection report, as defined in regulation 20(1), that certifies that the mooring complies with —
 - (i) the requirements specified in regulation 20(3)(a) to (d); and
 - (ii) any other matter that the Minister requires to be certified for the purposes of this paragraph.
- (2) In regulation 12(2) delete “Director General is to” and insert:
- CEO must
- (3) In regulation 12(3):
- (a) in paragraph (a) delete “evidence of ownership satisfactory” and insert:

satisfactory evidence of ownership of the vessel
 - (b) delete paragraph (b) and insert:
 - (b) the length of the vessel is 5 metres or more and does not exceed, and is not significantly less than, the maximum vessel length for the mooring site; and
 - (c) in paragraph (c) delete “site.” and insert:

site in the same mooring control area.
- (4) After regulation 12(3) insert:
- (3A) Subregulation (3)(a) does not apply if the mooring site is a commercial resources mooring site.
 - (3B) The Minister may exempt a vessel from complying with subregulation (3)(c) if the Minister considers there are special circumstances that justify the exemption.

- (5) In regulation 12(4):
- (a) in paragraph (c) after “float” insert:

or buoy
 - (b) in paragraph (d) delete “number or other” and insert:

number, an approved coloured disc or other information
or

15. Regulation 13 amended

- (1) Delete regulation 13(1) and (2) and insert:
- (1) A mooring licensee must pay, in respect of each year, the appropriate annual mooring licence fee specified in Schedule 3 item 4, 5, 6 or 7.
 - (2) The fee must be paid on or before the day that is the anniversary of the day on which the licence was granted.
- (2) In regulation 13(3):
- (a) delete “fee, the Minister is to give notice in writing” and insert:

fee as required by subregulation (2), the Minister must give written notice
 - (b) delete “Schedule 2” and insert:

Schedule 3 item 8
 - (c) delete “licence will” and insert:

licence may

16. Regulation 13A inserted

After regulation 13 insert:

13A. Surrender of mooring licence

- (1) A mooring licensee may surrender the mooring licence by giving written notice to the Minister.
- (2) A mooring licence cannot be surrendered if the licence has been cancelled under regulation 14(1).

- (3) A mooring licensee who surrenders a mooring licence is entitled to a proportionate refund of the fee paid for the licence if the Minister is satisfied that —
 - (a) any mooring on the mooring site has been removed or disposed of in accordance with regulation 21; and
 - (b) if it had not been surrendered, the licence would not have been cancelled under regulation 14(1).
- (4) If a mooring licensee's licensed vessel is authorised under regulation 7D(2) by the operation of regulation 7C(5), the surrender of the licensee's mooring licence does not affect the validity of the authorisation.
- (5) The Minister must give the mooring licensee written notice of the date on which the surrender of the mooring licence has or had effect.
- (6) Without limiting the *Interpretation Act 1984* sections 75 and 76, subregulation (5) is complied with if the notice is sent by post to the mooring licensee's address that is recorded in the register.

17. Regulation 14 amended

- (1) In regulation 14(1):
 - (a) delete “served on” and insert:

given to
 - (b) after paragraph (b) insert:
 - (ba) the Minister is of the opinion that the mooring licence was obtained by deception or fraud; or
 - (bb) for a mooring licensee who is an individual — the Minister is of the opinion that the licensee's principal place of residence is not in the State; or
 - (bc) for a mooring licensee that is a body corporate — the Minister is of the opinion that the principal place of residence of the individual referred to in regulation 8(3)(b)(ii) as authorised to act on behalf of the body corporate is not in the State; or

- (c) after paragraph (d) insert:
- (da) the mooring licensee has entered into an arrangement for another person to lease or otherwise use the mooring site or has published a statement to the effect that the mooring site is available to be leased or otherwise used; or
 - (db) the mooring licensee has attempted to sell, or has invited an offer to purchase, the mooring licence; or
 - (dc) in the case of a mooring licence that specifies a recreational mooring site — the licensed vessel is no longer a pleasure vessel; or
 - (dd) in the case of a mooring licence that specifies a commercial general mooring site —
 - (i) the mooring licensee has ceased to use the licensed vessel in connection with a commercial activity; or
 - (ii) the licensed vessel is no longer a commercial vessel;or
 - (de) in the case of a mooring licence that specifies a commercial resources mooring site —
 - (i) the mooring licensee has ceased to use the licensed vessel primarily in connection with a mining industry, including an industry engaged in mining for minerals, petroleum or geothermal energy; or
 - (ii) the licensed vessel is no longer a commercial vessel;or
 - (df) regulation 20(5) has effect; or

(2) In regulation 14(2):

- (a) delete “subregulation (1)(a) or (b),” and insert:

subregulation (1), except under subregulation (1)(c),
- (b) after “licensee” insert:

written

(3) Delete regulation 14(5) and insert:

- (5) The Minister must give the mooring licensee written notice of the cancellation of a mooring licence.
- (6) Without limiting the *Interpretation Act 1984* sections 75 and 76, subregulation (5) is complied with if the notice is sent by post to the mooring licensee's address that is recorded in the register.
- (7) The cancellation of a mooring licence has effect —
 - (a) on the date specified in the notice, which must be later than the date the notice is given; or
 - (b) if no date is specified in the notice — 7 days after the notice is given.
- (8) If a mooring licensee's licensed vessel is authorised under regulation 7D(2) by the operation of regulation 7C(5), the cancellation of the licensee's mooring licence does not affect the validity of the authorisation.

18. Regulation 14A inserted

After regulation 14 insert:

14A. Variation of mooring licence

- (1) The Minister may, by written notice given to the mooring licensee, vary the terms or conditions of a mooring licence if the Minister considers it is necessary or desirable to do so in the interests of safety or the better management of the relevant mooring control area.
- (2) The notice given by the Minister —
 - (a) must specify the day on which the variation to the terms or conditions is to take effect, which must not be earlier than 14 days after the notice is given; and
 - (b) must include the reasons for the variation of the terms or conditions.

19. Regulation 15 amended

- (1) In regulation 15(1) delete “site.” and insert:

site in the same mooring control area.

- (2) In regulation 15(2)(b) delete “Schedule 2” and insert:

Schedule 3 item 9
- (3) Delete regulation 15(3).
- 20. Regulation 16 deleted**
Delete regulation 16.
- 21. Regulation 17 amended**
 - (1) In regulation 17(1) delete “regulations 15 and 16 — ” and insert:

regulation 15 —
 - (2) Delete regulation 17(2).
- 22. Regulation 18 amended**
 - (1) In regulation 18(1) delete “Director General.” and insert:

CEO.
 - (2) In regulation 18(2):
 - (a) delete “Director General” and insert:

CEO
 - (b) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$2 000.
 - (3) Delete regulation 18(4).
- 23. Regulations 19 and 20 replaced**
Delete regulations 19 and 20 and insert:

19. Maintenance of mooring
 - (1) The mooring licensee must maintain any mooring on a registered mooring site so that it is safe and fit for the purpose of securing a vessel that does not exceed the maximum vessel length for the mooring site.

Penalty for this subregulation: a fine of \$2 000.

- (2) The mooring licensee must maintain any mooring on a registered mooring site in the location required by any condition imposed on the licence under regulation 12(4)(a).

Penalty for this subregulation: a fine of \$2 000.

- (3) The mooring licensee must maintain any mooring on a registered mooring site so that the display on the mooring of any mooring number, approved coloured disc or other information or identification data required by a condition imposed on the licence under regulation 12(4)(d) is clear and visible.

Penalty for this subregulation: a fine of \$2 000.

20. Mooring inspection reports

- (1) In this regulation —

mooring inspection report means a report prepared by a mooring inspector that —

- (a) is in an approved form; and
- (b) certifies that a mooring on a mooring site has been inspected by the mooring inspector and complies with the requirements specified in subregulation (3);

mooring inspector means a person who has, in the opinion of the CEO, the appropriate qualifications and experience to carry out inspections and prepare reports for the purposes of this regulation.

- (2) The CEO may at any time, by written notice given to a mooring licensee, require the licensee to obtain, at the licensee's expense, a mooring inspection report in relation to a mooring on a registered mooring site.

- (3) The mooring inspection report must state that the mooring inspector has inspected the mooring and certifies that —

- (a) it is safe and fit for the purpose of securing a vessel that does not exceed the maximum vessel length for the registered mooring site; and
- (b) it is in the correct location; and
- (c) it is appropriately numbered; and
- (d) if required by a condition of the mooring licence under regulation 12(4)(d) — it is marked with an approved coloured disc; and
- (e) it complies with any other matter that the notice under subregulation (2) requires to be certified by the mooring inspector in the report.

- (4) The mooring licensee must give the mooring inspection report to the CEO within —
 - (a) 28 days after being given notice under subregulation (2) or, if applicable, regulation 20A(1); or
 - (b) any longer period allowed by the CEO.
- (5) The mooring licence may be cancelled under regulation 14(1)(df) if the mooring inspection report is not given to the CEO within the period specified or allowed under subregulation (4).
- (6) A mooring licensee must not use a mooring on a registered mooring site, or cause or permit the mooring to be used, if a mooring inspection report required under subregulation (2) or regulation 20A(1) to be obtained by the licensee in relation to that mooring has not been given to the CEO in accordance with subregulation (4).

Penalty for this subregulation: a fine of \$1 000.

20A. CEO may reject mooring inspection report

- (1) The CEO may, by written notice given to the mooring licensee, reject a mooring inspection report given to the CEO under regulation 20 and require the licensee to obtain another mooring inspection report in accordance with that regulation.
- (2) The notice given by the CEO must include the reasons for the rejection of the mooring inspection report.
- (3) A mooring inspection report rejected by the CEO is taken not to have been given to the CEO for the purposes of regulation 20(6).

24. Regulation 21 amended

- (1) In regulation 21(1):
 - (a) delete “his or her” and insert:

the person’s

- (b) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$2 000.

- (2) In regulation 21(2) delete “Director General” and insert:

CEO

(3) After regulation 21(2) insert:

(2A) If a mooring licensee that is a body corporate (a *body corporate licensee*) is to be wound up or is otherwise to cease operating, the licensee must give written notice accordingly to the CEO.

Penalty for this subregulation: a fine of \$10 000.

(2B) A body corporate licensee that is to be wound up or is otherwise to cease operating must, in accordance with any directions given by the CEO under subregulation (2C) —

- (a) remove any mooring on the mooring site; or
- (b) dispose of the mooring.

Penalty for this subregulation: a fine of \$10 000.

(2C) The CEO may, by written notice given to a body corporate licensee, give the body corporate licensee directions for the purposes of subregulation (2B).

(4) In regulation 21(3) delete “subregulation (1),” and insert:

subregulation (2), or a body corporate licensee does not comply with a direction given under subregulation (2C),

25. Regulation 22 amended

Delete regulation 22(2) and (3) and insert:

(2) A mooring licensee must comply with a direction under subregulation (1) within 7 days after being given the direction.

Penalty for this subregulation: a fine of \$2 000.

(3) If the mooring licensee does not comply with a direction under subregulation (1) within 7 days after being given the direction, regulation 5(2) and (3) apply as if the failure to comply with the direction were a failure to comply with a notice under regulation 5(1).

26. Regulation 23 amended

In regulation 23 delete the Penalty and insert:

Penalty: a fine of \$2 000.

27. Regulation 24 amended

(1) After regulation 24(1) insert:

(1A) Subregulation (1) does not limit —

- (a) the use of a registered mooring site by a licensed vessel's tender, if that use complies with the conditions of the mooring licence; or
- (b) the use of a recreational mooring site, if that use is authorised under regulation 7D(2).

(2) In regulation 24(3) after "*Navigable Waters Regulations 1958*" insert:

and is not a commercial vessel

28. Regulation 25 amended

(1) In regulation 25(2):

(a) delete "his or her" and insert:

the licensee's

(b) delete "7 days" and insert:

15 days

(c) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$2 000.

(2) After regulation 25(2) insert:

(2A) Subregulation (2) does not apply to a mooring licensee whose mooring licence specifies a commercial resources mooring site.

(3) In regulation 25(5)(b) delete "Schedule 2" and insert:

Schedule 3 item 10

- (4) In regulation 25(6):
- (a) in paragraph (a) delete “evidence of ownership satisfactory” and insert:

satisfactory evidence of ownership of the vessel
 - (b) in paragraph (b) delete “site; and” and insert:

site in the same mooring control area; and
 - (c) delete paragraph (c) and insert:

(c) the length of the vessel is 5 metres or more and does not exceed the maximum vessel length for the mooring site.
- (5) After regulation 25(6) insert:
- (7) Subregulation (6)(a) does not apply if the relevant mooring site is a commercial resources mooring site.
 - (8) The Minister may exempt a vessel from complying with subregulation (6)(b) if the Minister considers there are special circumstances that justify the exemption.

29. Regulation 26 amended

- (1) In regulation 26:
- (a) delete “A” and insert:

(1) A

(b) after “to use a” insert:

registered
- (2) At the end of regulation 26 insert:
- (2) Subregulation (1) does not limit the use of a registered mooring site by an additional vessel’s tender, if that use complies with the conditions of the mooring licence.

Note: The heading to amended regulation 26 is to read:

Additional vessels authorised to use registered mooring site

30. Regulation 27 amended

(1) In regulation 27:

(a) delete “An” and insert:

(1) An

(b) delete paragraphs (a) and (b) and insert:

- (a) be made to the Minister in an approved form;
and
- (b) if the relevant mooring site is a recreational mooring site — be made by an individual —
 - (i) who has reached 17 years of age; and
 - (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 to the Minister satisfactory evidence of ownership of the vessel; and
 - (iv) who produces to the Minister satisfactory evidence that the vessel is a pleasure vessel;and
- (ba) if the relevant mooring site is a commercial general mooring site — be made by —
 - (i) a body corporate that produces to the Minister satisfactory evidence of ownership of the vessel and that the vessel is a commercial vessel; or
 - (ii) an individual who complies with paragraph (b)(i) and (ii) and produces to the Minister satisfactory evidence of ownership of the vessel and that the vessel is a commercial vessel;and
- (bb) if the relevant mooring site is a commercial resources mooring site — be made by a body corporate that, or an individual who complies with paragraph (b)(i) and (ii) who, produces to the Minister satisfactory evidence that the vessel is a commercial vessel; and

(c) in paragraph (d) before “be” insert:

unless subregulation (3) applies,

(d) in paragraph (e) delete “Schedule 2.” and insert:

Schedule 3 item 11.

(2) At the end of regulation 27 insert:

- (2) An application to register an additional vessel cannot be made under subregulation (1) if —
- (a) the relevant mooring licence is a recreational mooring licence; and
 - (b) an additional vessel has been registered in respect of that licence; and
 - (c) the particulars of that vessel have not been deleted from the register under regulation 29.
- (3) An application to register an additional vessel in respect of a commercial general mooring site can only be made by the mooring licensee.

31. Regulation 28 amended

(1) Before regulation 28(1) insert:

(1A) In this regulation —
owner, of an additional vessel registered in respect of a commercial resources mooring site, means the person who applied to register the additional vessel.

(2) In regulation 28(1)(c) delete “*Navigable Waters Regulations 1958*,” and insert:

Navigable Waters Regulations 1958 and is not a commercial vessel,

(3) Delete regulation 28(2) and insert:

- (2) The Minister may refuse to register an additional vessel on the ground that the length of the vessel —
- (a) is less than 5 metres; or
 - (b) exceeds the maximum vessel length for the relevant mooring site.
- (3) The Minister may impose any conditions that the Minister thinks fit on the use of the mooring site for which an additional vessel is registered, and the

relevant mooring licence must be endorsed accordingly.

32. Regulation 29 replaced

Delete regulation 29 and insert:

29. Duration of registration

- (1) In this regulation —
nominated means nominated under regulation 27(1)(d);
owner has the meaning given in regulation 28(1A).
- (2) Subject to this regulation, the registration of an additional vessel has effect from the date of registration —
 - (a) for the period during which the mooring licence of the mooring licensee who nominated the additional vessel is in force before the next annual licence fee is due; or
 - (b) if the additional vessel is registered for a recreational mooring site — for the lesser of the following periods —
 - (i) the period referred to in paragraph (a);
 - (ii) the period of 9 months.
- (3) The Minister must delete the particulars of the additional vessel and its owner from the register at the end of the period of registration of the vessel.
- (4) The Minister may delete the particulars of the additional vessel and its owner from the register if —
 - (a) the owner of the additional vessel makes a written request to the Minister that the registration of the vessel be cancelled; or
 - (b) the additional vessel is sold or disposed of; or
 - (c) the mooring licensee who nominated the additional vessel gives to the Minister written notice that the nomination is withdrawn; or
 - (d) a condition imposed by the Minister under regulation 28(3) has been breached; or
 - (e) the mooring licence of the mooring licensee who nominated the additional vessel ceases to be in force; or
 - (f) in the case of an additional vessel for a recreational mooring site — the additional vessel has ceased to be a pleasure vessel; or

- (g) in the case of an additional vessel for a commercial general mooring site or a commercial resources mooring site —
 - (i) the additional vessel has ceased to be used in connection with a commercial activity; or
 - (ii) the additional vessel is no longer a commercial vessel.
- (5) The Minister must not delete the particulars under subregulation (4)(c) or (e) until written notice has been given to the owner of the additional vessel, at the address recorded in the register, that the particulars are to be deleted.
- (6) The Minister must not delete the particulars under subregulation (4)(d), (f) or (g) until —
 - (a) written notice has been given to the owner of the additional vessel, at the address recorded in the register, that the particulars are to be deleted; and
 - (b) the owner has been given 14 days after the notice is given in which to make a written response to the notice.
- (7) If the particulars of the additional vessel and its owner are deleted under subregulation (3) or (4), the registration of the vessel is cancelled.

33. Part 5 replaced

Delete Part 5 and insert:

Part 5 — Prescribed offences and modified penalties

30. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 4 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 4 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

31. Approved officers and authorised officers

- (1) In this regulation —
inspector means an officer of the Department designated as an inspector under section 117(1) of the Act.
- (2) Each inspector is appointed as an authorised officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 30(1).
- (3) An authorised officer can show that the authorised officer is authorised to issue infringement notices by showing the officer's certificate of appointment as an inspector issued under section 118(1) of the Act.
- (4) The CEO may, in writing, appoint a person employed in the Department who is not an inspector to be an approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 30(1).

32. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 5 are prescribed.

Part 6 — Transitional provisions for *Transport Regulations Amendment (Mooring Management) Regulations 2021*

Division 1 — Terms used

33. Terms used

In this Part —

amending regulations means the *Transport Regulations Amendment (Mooring Management) Regulations 2021*;

commencement day means 28 September 2021;

current mooring licence means a mooring licence that is in force immediately before the commencement day;

current registration period means the registration period that is current on the commencement day in respect of a registered owner;

excluded area means an area identified as an excluded area on a plan of a mooring control area in Schedule 2;

MCA Regulations means the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983*;

new regulations means these regulations as amended by the amending regulations;

next anniversary, in relation to a current mooring licence, means the day that is the next anniversary of the day on which the licence was granted;

old regulations means these regulations as in force immediately before the commencement day;

registered mooring site, in relation to a registered owner, has the same meaning as it has in the MCA Regulations;

registered owner has the meaning given in the MCA Regulations regulation 3;

registration period has the same meaning as it has in the MCA Regulations.

Division 2 — Mooring licences

34. Transitional provisions for mooring licences

- (1) Despite the amendments made to these regulations by the amending regulations and subject to subregulation (2) —
 - (a) a current mooring licence continues in force until the next anniversary or until it is sooner cancelled; and
 - (b) the old regulations continue to apply to the current mooring licence until the next anniversary or until it is sooner cancelled.
- (2) If a current mooring licence that continues in force under subregulation (1)(a) is transferred before the next anniversary under regulation 16 of the old regulations, for the purposes of that transfer subregulation (3) of that regulation is to be taken to refer to regulations 11 and 12 of the new regulations.
- (3) The new regulations apply, on and from the next anniversary, to a current mooring licence that continues in force under subregulation (1)(a) until that day as if —
 - (a) the licence had been granted under regulation 12 of the new regulations; and
 - (b) regulation 13(2) of the new regulations stated that the fee referred to in that subregulation was required to be paid no later than 14 days after the anniversary of the day on which the licence was granted; and
 - (c) the reference in regulation 13(3) of the new regulations to the late fee specified in Schedule 3 were deleted.

- (4) The registration of an additional vessel in respect of a current mooring licence that continues in force under subregulation (1)(a) until the next anniversary is cancelled immediately before that day.
- (5) Subregulation (3) applies to a current mooring licence that continues in force under subregulation (1)(a) until the next anniversary whether or not the licensed vessel in respect of the licence is 5 metres or more in length.

Division 3 — Transitional provisions for MCA Regulations

35. Application of new regulations to registered owners

- (1) Despite regulation 3 of the new regulations, the new regulations do not apply in respect of a registered owner whose registered mooring site is located in a mooring control area specified in Schedule 1 Division 1 otherwise than in an excluded area.
- (2) Subregulation (1) has effect in respect of a registered owner until the expiry of the current registration period unless —
 - (a) the registration of the registered mooring site is sooner terminated under the MCA Regulations regulation 15; or
 - (b) the registered mooring site is sooner surrendered under the MCA Regulations regulation 18.
- (3) At least 28 days before the expiry of the current registration period, the Minister must offer a mooring licence to the registered owner under regulation 11(1A) of the new regulations.
- (4) Subregulation (3) does not apply to a registered owner if subregulation (2)(a) or (b) has effect in respect of the registered owner's registered mooring site.
- (5) For the purposes of subregulation (3) —
 - (a) a registered owner's current registration period that, if not for this paragraph, would expire between 28 September and 30 October 2021 (both dates inclusive) is taken to expire at the end of 31 October 2021; and

- (b) the registered owner must provide to the Minister any information specified by the Minister by written notice given to the registered owner before the expiry of the current registration period —
 - (i) that an applicant under regulation 8 of the new regulations would be required to provide when making the application; or
 - (ii) that is required for the purposes of the register;and
 - (c) the registered owner can be, but is not required to be, the owner of the vessel that would become the licensed vessel on the grant of a mooring licence to the registered owner by the operation of this regulation; and
 - (d) the Minister does not need to be satisfied that there are any special circumstances referred to in regulation 11(1A) of the new regulations; and
 - (e) regulation 11(3) and (6) of the new regulations do not apply; and
 - (f) regulation 11(4) of the new regulations has effect as if the reference in paragraph (b) of that subregulation to regulation 12(1)(b), (c), (d) and (e) were a reference to regulation 12(1)(c); and
 - (g) regulation 12(1)(b), (d) and (e), (3), (3A) and (3B) of the new regulations do not apply.
- (6) A mooring licence cannot be granted to a registered owner by the operation of this regulation if the registered owner does not provide any information specified in a written notice under subregulation (5)(b) within 14 days after being given the notice or any further time that the Minister may by written notice allow.
- (7) If a mooring licence is granted to a registered owner by the operation of this regulation, the licence has effect on and from the expiry of the current registration period.

- (8) For the purposes of subregulation (7) —
- (a) the expiry of the current registration period is determined by the operation of subregulation (5)(a), if applicable; and
 - (b) if subregulation (5)(a) is applicable, the next anniversary of the grant of the mooring licence is determined as if the current registration period had not been extended by the operation of that provision.

36. Application of new regulations to moorings registered under MCA Regulations

- (1) Subregulation (2) applies if a mooring licence is granted to a registered owner by the operation of regulation 35 of the new regulations.
- (2) The mooring registered in the name of the registered owner under the MCA Regulations regulation 8 immediately before the expiry of the current registration period is taken, on and from that expiry and for the purposes of regulation 4(1) of the new regulations, to have been installed with the written permission of the CEO.

34. Schedules 1 and 2 replaced

Delete Schedules 1 and 2 and insert:

Schedule 1 — Mooring control areas

[r. 3 and 7]

Division 1 — Mooring control areas to which these regulations apply

Carnarvon Fascine Mooring Control Area

Oyster Harbour Mooring Control Area

Peel Mooring Control Area

Rockingham Mangles Bay Mooring Control Area

Swan and Canning Rivers Mooring Control Area

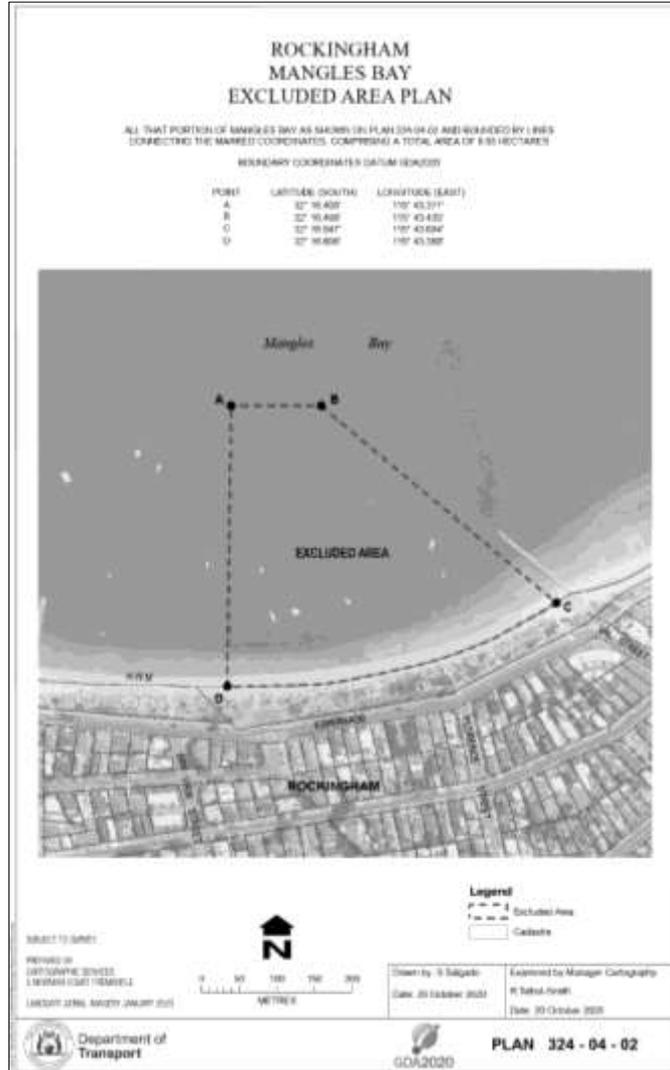
Division 2 — Mooring control area in which only temporary anchoring is permitted

Swan and Canning Rivers Mooring Control Area

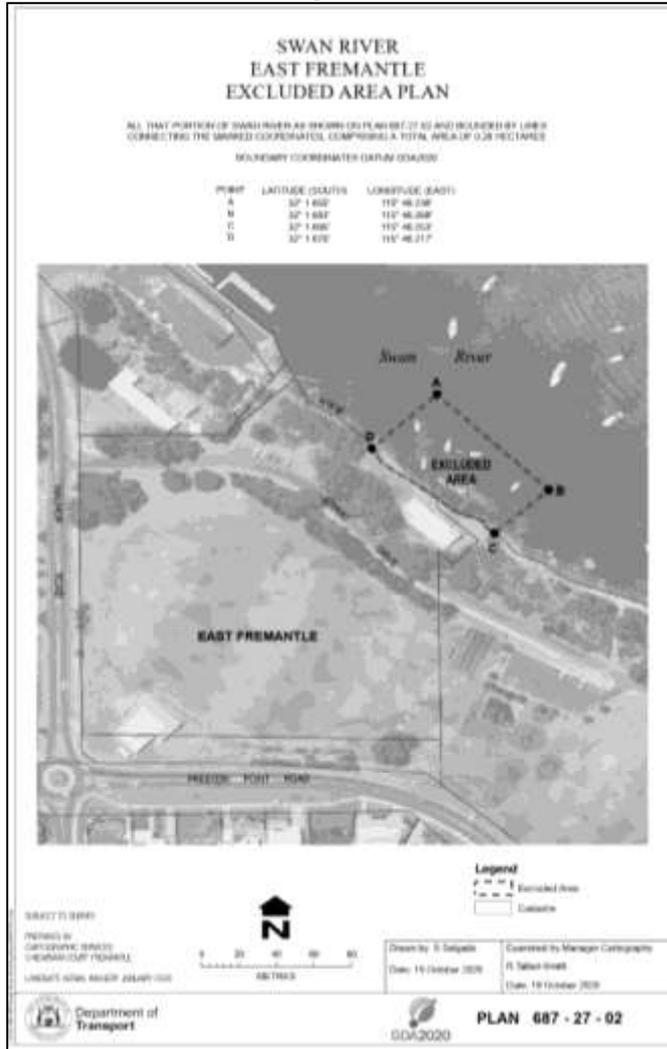
Schedule 2 — Excluded areas

[r. 3(2)]

Division 1 — Excluded area in Rockingham Mangles Bay Mooring Control Area



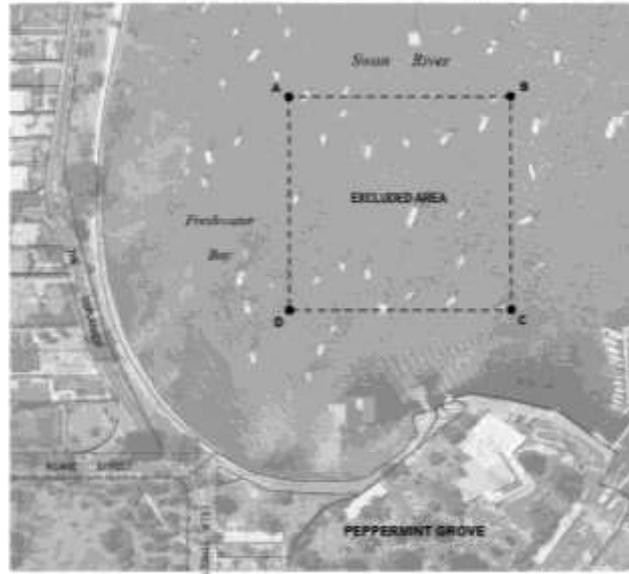
Division 2 — Excluded areas in Swan and Canning Rivers Mooring Control Area



SWAN RIVER PEPPERMINT GROVE EXCLUDED AREA PLAN

ALL THAT PORTION OF SWAN RIVER AS SHOWN ON PLAN SET IN 687-30-03 BOUND BY LINES
CONNECTING THE MARKED COORDINATES, COMPRISING A TOTAL AREA OF 2.48 HECTARES
BOUNDARY COORDINATES DATUM: GDA2020

Point	LATITUDE (SOUTH)	LONGITUDE (EAST)
A	37° 52' 58.68"	151° 46' 54.87"
B	37° 52' 58.68"	151° 46' 43.07"
C	37° 52' 52.57"	151° 46' 43.07"
D	37° 52' 52.57"	151° 46' 54.87"



SUBJECT TO: 687-30-03
 PREPARED BY:
 CARTOGRAPHIC SERVICES
 VICTIMAN COURT PERMITS
 UNLESS OTHERWISE SPECIFIED



Legend
 - - - - - Excluded Area
 _____ Catchment

Drawn by: E. Sulejcki	Examined by: Manager Cartography
Date: 20 October 2020	R. Tolson-Smith
	Date: 20 October 2020

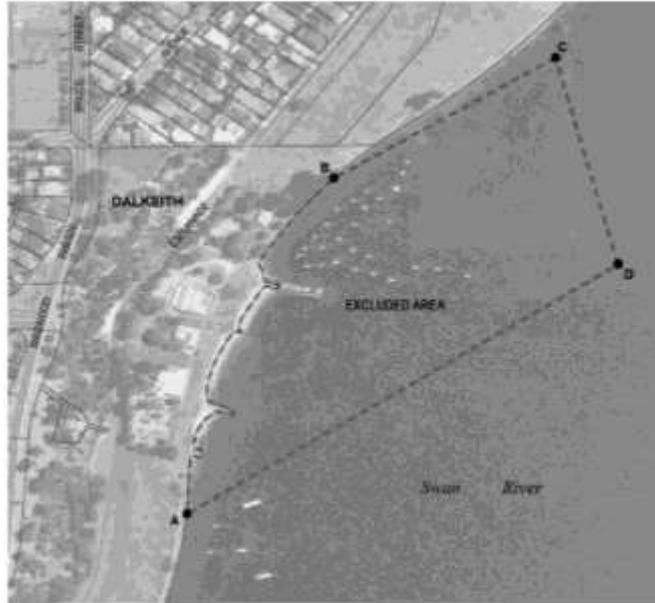


PLAN 687 - 30 - 03

SWAN RIVER DALKEITH EXCLUDED AREA PLAN

ALL THAT PORTION OF SWAN RIVER AS SHOWN ON PLAN 657-44-02 AND BOUNDED BY LINES
CONNECTING THE MARKED COORDINATES, COMPRISING A TOTAL AREA OF 11.66 HECTARES
BOUNDARY COORDINATES DKLJM 02A200

POINT	LATITUDE (SOUTH)	LONGITUDE (EAST)
A	37° 59.822"	115° 48.791"
B	37° 59.596"	115° 48.839"
C	37° 59.515"	115° 49.967"
D	37° 59.854"	115° 49.037"



Legend
 - - - - - Excluded Area
 □ Catchment

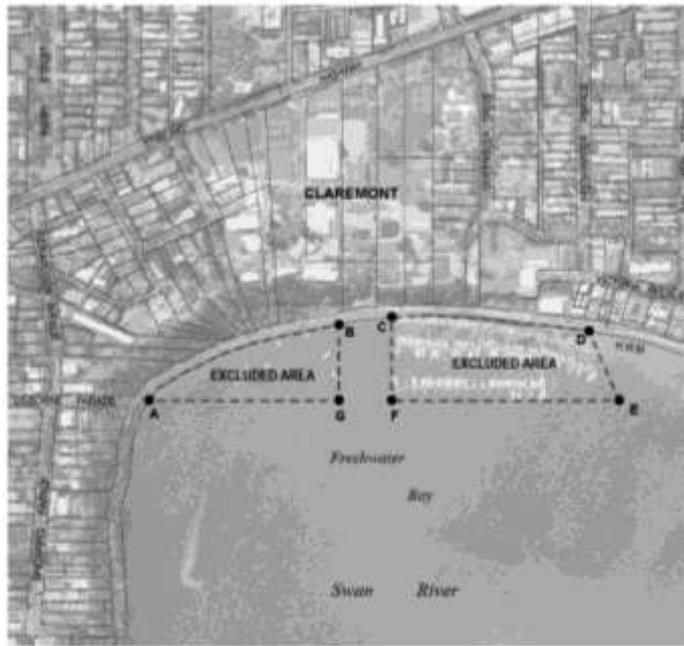
<p>SELECTED MAPS PRINTED BY CARTOGRAPHIC SERVICES 1 HIGHWAY COURT, PERTH WA 6000 LIMITED LIABILITY COMPANY 2009</p>			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> Drawn by: S. Sagar Date: 19 October 2020 </td> <td style="width: 50%;"> Examined by: Manager Cartography H. Sabine-Draft Date: 19 October 2020 </td> </tr> </table>	Drawn by: S. Sagar Date: 19 October 2020	Examined by: Manager Cartography H. Sabine-Draft Date: 19 October 2020
Drawn by: S. Sagar Date: 19 October 2020	Examined by: Manager Cartography H. Sabine-Draft Date: 19 October 2020				
<p>Department of Transport</p>		<p>PLAN 657 - 44 - 02</p>			

SWAN RIVER CLAREMONT EXCLUDED AREA PLAN

ALL THAT PORTION OF SWAN RIVER AS SHOWN ON PLAN 687-46-02 AND BOUND BY LINES
CONNECTING THE MARKED COORDINATES, COMPRISING A TOTAL AREA OF 4.25 HECTARES

BORDERARY COORDINATES DATUM (EAD2011)

POINT	LATITUDE (SOUTH)	LONGITUDE (EAST)	POINT	LATITUDE (SOUTH)	LONGITUDE (EAST)
A	31° 58 38Z	115° 46 40Z	E	31° 58 38Z	115° 46 40Z
B	31° 58 53Z	115° 46 57Z	F	31° 58 38Z	115° 46 40Z
C	31° 58 21Z	115° 46 53Z	G	31° 58 38Z	115° 46 57Z
D	31° 58 32Z	115° 46 78Z			



Legend

- Excluded Area
- Coblestone

SUBJECT TO SURVEY

PREPARED BY
LITHOGRAPHIC SERVICES
11 HERMAN COURT WHEATRIE
LANDSCAPE ARCHITECTS JANUARY 2020



Drawn by: S. Satgopal
Date: 10 October 2020
Examined by: Manager Cartography
R. Tubbott-Smith
Date: 15 October 2020



PLAN 687-46-02

SWAN RIVER MATILDA BAY EXCLUDED AREA PLAN

ALL THAT PORTION OF SWAN RIVER AS SHOWN ON PLAN SET AT 02 AND BOUND BY LINES
CONNECTING THE MARKED COORDINATES, COMPRISING A TOTAL AREA OF 2.12 HECTARES.

SOUWEMY COORDINATES DATUM GEASD

POINT	LATTITUDE (SOUTH)	LONGITUDE (EAST)
A	31° 58 11"	151° 49 52"
B	31° 58 05"	151° 49 54"
C	31° 58 05"	151° 49 57"
D	31° 58 05"	151° 49 52"
E	31° 58 08"	151° 49 52"
F	31° 58 13"	151° 49 50"



Legend

- Excluded Area
- Catchment

DEVELOP TO SUIT

DESIGNED BY
LANDSCAPE ARCHITECTS
3 HERMAN COURT FRANKSVILLE
LANDSCAPE ARCHITECTS (PTY) LTD



Drawn by: B. Salgado	Checked by: Manager Cartography
Date: 20 October 2020	IT. Saldut. Smith
	Date: 20 October 2020



PLAN 687 - 47 - 02

**SWAN RIVER
MATILDA BAY (PELICAN POINT)
EXCLUDED AREA PLAN**

ALL THAT PORTION OF SWAN RIVER AS SHOWN ON PLAN 687-47-03 AND BOUNDARY BY LINES
CONNECTING THE MARKED COORDINATES, COMPRISING A TOTAL AREA OF 1.59 HECTARES.

BOUNDARY COORDINATES DATUM (GAUSS)

POINT	LATITUDE (SOUTH)	LONGITUDE (EAST)
A	31° 58.080	152° 40.627
B	31° 58.119	152° 40.897
C	31° 58.587	152° 40.985
D	31° 58.964	152° 40.637
E	31° 58.534	152° 40.862



Legend

- Excluded Area
- Clubhouse

SCALE 1:5000

PREPARED BY
OPTICSPRING SERVICES
1 BERNARD ROAD, HORSBURGH
LANDSAT 8/9A, 8/9/2019, 10/20/2019

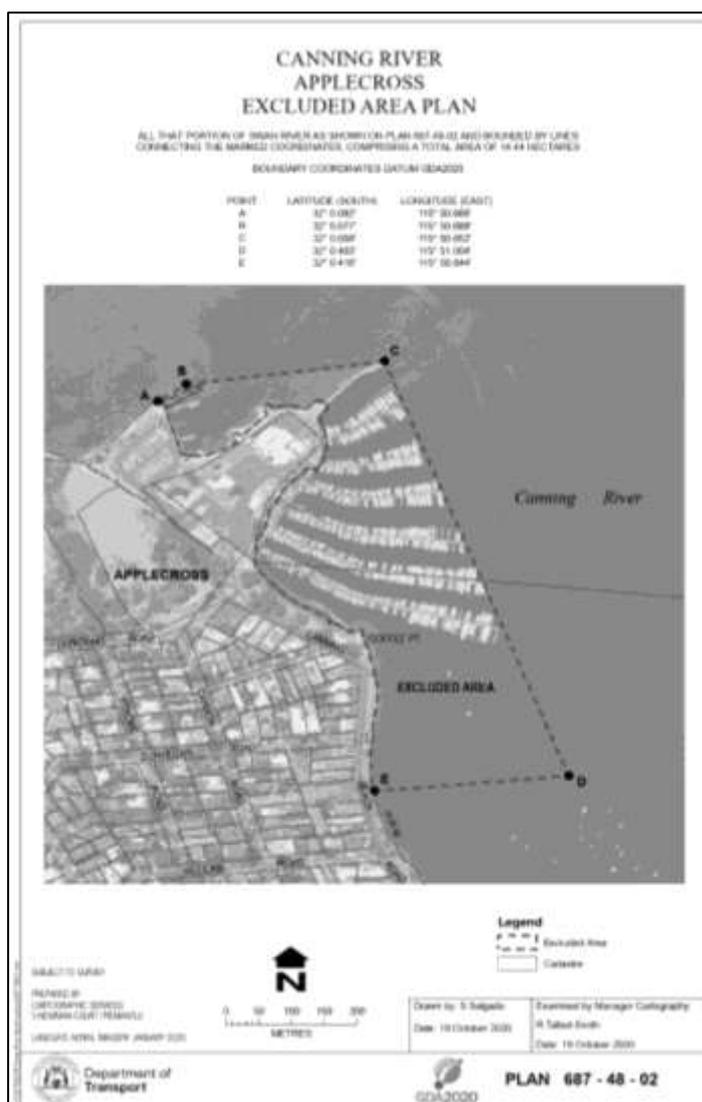


Drawn by: S. Sappala
Date: 23 October 2020

Checked by: Manager Cartography
R. Tappin-Smith
Date: 20 October 2020



PLAN 687-47-03



Schedule 3 — Fees

[r. 7D, 7F, 8, 12, 13, 15, 25 and 27]

Table

Item	Description	Fee
1.	Shared-use mooring authorisation for 12 months (r. 7D(3)(b))	\$105.00
2.	Rental mooring site authorisation for each day of rental period (r. 7F(4)(b))	\$33.00
3.	Application for mooring licence (r. 8(2)(g)(i))	\$117.00
4.	Annual mooring licence for recreational mooring site (exclusive use) (r. 12(1)(c), r. 13(1))	\$656.00

Item	Description	Fee
5.	Annual mooring licence for recreational mooring site (shared use) (r. 12(1)(c), r. 13(1))	\$338.00
6.	Annual mooring licence for commercial general mooring site (r. 12(1)(c), r. 13(1))	\$845.00
7.	Annual mooring licence for commercial resources mooring site (r. 12(1)(c), r. 13(1))	\$2 747.00
8.	Annual mooring licence late payment (r. 13(3))	\$117.00
9.	Exchange of registered mooring sites (r. 15(2)(b))	\$117.00
10.	Substitution of licensed vessel (r. 25(5)(b))	\$117.00
11.	Application to register additional vessel (r. 27(1)(e))	\$117.00

Schedule 4 — Prescribed offences and modified penalties

[r. 30]

Item	Provision	Description of offence	Modified penalty \$
1.	r. 4(1)	Installing a mooring in mooring control area without written permission	400
2.	r. 6(1)	Causing or permitting vessel to be secured to mooring on mooring site without authorisation	200
3.	r. 6(3)	Causing or permitting vessel to be secured to mooring on mooring site without vessel displaying issued identification sticker	200
4.	r. 7(2)	Causing or permitting vessel to be secured or anchored in mooring control area and causing risk of damage	200
5.	r. 7(3)	Causing or permitting vessel to be secured or anchored for more than 6 hours in Division 2 mooring control area	200
6.	r. 7H(2)	Failing to notify CEO within 24 hours after vessel is secured to emergency mooring site	200

Item	Provision	Description of offence	Modified penalty \$
7.	r. 7H(3)	Causing or permitting vessel to be secured to emergency mooring site if there is no emergency, if emergency has ended, or if vessel's length exceeds maximum permitted	200
8.	r. 7I(2)	Causing or permitting vessel to be secured to courtesy mooring site for period greater than authorised	200
9.	r. 7I(3)	Causing or permitting vessel to be secured to courtesy mooring site if vessel's length exceeds maximum permitted	200
10.	r. 9(5)	Copying, photographing or otherwise making record or image of registered mooring site record	100
11.	r. 9(6)	Failing to give CEO written notice within 15 days after alteration to particulars	100
12.	r. 18(2)	Failing to comply with written directions of CEO regarding installing mooring on mooring site	400
13.	r. 19(2)	Failing to maintain mooring on mooring site in location as required by licence condition	400
14.	r. 19(3)	Failing to maintain mooring on mooring site so that information or identification data is or are displayed as required by licence condition	200
15.	r. 20(6)	Using mooring on registered mooring site without having given CEO required mooring inspection report	200
16.	r. 21(1)	Failing to remove or dispose of mooring on mooring site after mooring licence ceases to be in force	400
17.	r. 21(2A)	Failing to give CEO notice that body corporate licensee is to be wound up or cease operating	400
18.	r. 21(2B)	Body corporate licensee that is to be wound up or cease operating failing to remove or dispose of mooring on mooring site	400
19.	r. 22(2)	Failing to comply within 7 days after given direction by Minister as to moving or removing mooring	400

Item	Provision	Description of offence	Modified penalty \$
20.	r. 23	Failing to maintain vessel moored on registered mooring site in seaworthy condition	400
21.	r. 25(2)	Failing to give Minister written notice within 15 days after sale or disposal of interest in licensed vessel	200

Schedule 5 — Forms

[r. 32]

Form 1 — Infringement notice

<i>Shipping and Pilotage Act 1967</i> <i>Mooring Regulations 1998</i>		Infringement notice no.	
Infringement notice			
Alleged offender	Name: Family name		
	Given names		
	or Body corporate name _____		
	Address _____ Postcode		
Alleged offence	Description of offence (include details of vessel if applicable) _____		
	<i>Mooring Regulations 1998</i> r.		
	Date	/	/20
	Time		am/pm
Modified penalty \$			
Officer issuing notice	Name		
	Signature		
	Office		
Date	Date of notice / /20		
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: <i>[Insert details for paying by post]</i></p> <p>In person: <i>[Insert details for paying in person]</i></p> <p>Online: <i>[Insert details for paying online]</i></p> <p>By telephone: <i>[Insert details for paying by telephone]</i></p>		

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the Department of Transport at this address: <i>[Insert postal address for Approved Officer]</i></p>
	<p>If you want this matter to be dealt with by prosecution in court, sign here</p> <p>_____</p> <p>and post this notice to the Approved Officer at the Department of Transport at the above postal address within 28 days after the date of this notice.</p>

Form 2 — Withdrawal of infringement notice

<i>Shipping and Pilotage Act 1967</i> <i>Mooring Regulations 1998</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Body corporate name _____	
	Address _____ Postcode _____	
Infringement notice	Infringement notice no. _____	
	Date of infringement notice / /20	
Alleged offence	Description of offence _____	
	<i>Mooring Regulations 1998 r.</i>	
	Date / /20	Time am/pm
Approved officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal / /20	
Withdrawal of infringement notice [*delete whichever is not applicable]	The above infringement notice issued against you has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund.	
	* Your refund is enclosed.	
	<i>or</i>	
	* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to the Approved Officer at the Department of Transport at this address: <i>[Insert postal address for Approved Officer]</i>	
	Signature _____ / /20	

Part 3 — *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* amended

35. Regulations amended

This Part amends the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983*.

36. Regulation 4 amended

After regulation 4(2) insert:

- (3) Subregulation (2) has effect subject to the *Mooring Regulations 1998* regulation 35.

Part 4 — *Western Australian Marine (Infringements) Regulations 1985* amended

37. Regulations amended

This Part amends the *Western Australian Marine (Infringements) Regulations 1985*.

38. Schedule 1 amended

In Schedule 1:

- (a) delete the heading after item 97;
(b) delete items 98 to 101.

V. MOLAN, Clerk of the Executive Council.
