

REVIEW OF MANAGEMENT OF MOORINGS ON THE SWAN AND CANNING RIVERS

Mr Malcolm Russell
Director Marine Safety
Transport, Marine Division
PO Box 402
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Dear Mr Russell

RE: REVIEW OF MANAGEMENT OF MOORINGS ON THE SWAN AND CANNING RIVERS

I refer to the meeting held on 24th March 2000 at your Fremantle conference room to discuss issues pertaining to the above.

Having listened to the various interest groups at the meeting and considered the listed problems experienced by Transport, I believe that it is possible to devise workable amendments to the existing regulations such that the big majority of the needs of the boating community can be met without impacting to any significant extent on the needs and requirements of Transport.

As a template for framing this proposal, the following items listed by Transport as being matters of concern in the past, have been considered: -

1. Mooring owners allowing their mooring to deteriorate to the extent that they were abandoned and left to pollute the riverbed.
2. Vessels allowed to deteriorate and sink requiring Transport and the Swan River Trust to pump them out or raise them from the riverbed and dispose of them.
3. Inability to locate owners of vessels
4. Appropriation of moorings and/or mooring sites by other boat owners.
5. Speculation on moorings in prime locations by buying and selling numbers of them, when others were waiting to be allocated a mooring.

In addition to the above, there are a number of other basic principles, which are considered as being appropriate to take into account. These are: -

- a. The exclusivity of moorings under the new system, which will create a multitude of, associated problems.
- b. The lack of numbers of additional mooring sites available in popular locations.
- c. The vast increase in use of anchors in the river which will occur as a result of the new regulations and which is opposed by the Swan River Trust for ecological reasons.

Registration of all moorings in the Swan and Canning rivers addresses the majority of the problems experienced by Transport in its management of the waterways and there can be

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little objection to this facet of the new regulations. The exclusive use created by the same regulations, however, has brought with it a number of very adverse features being: -

- No person should have the right to an exclusive licence of a section of the riverbed for their own private use. This would be tantamount to carving up Kings Park and allocating small sections to the highest bidders who could retain those sites to the absolute exclusion of all other members of the public.

While the owner of the mooring or his/her nominated delegate(s) should have the right to use their mooring at any time, it should otherwise be available for occasional use by other mariners for short terms who in turn would be obliged to relinquish the mooring immediately upon request by the owner or delegate.

- Exclusive use applied to a commodity, which is in limited supply, creates a special value for that item and while Transport is keen to eradicate speculative trading in moorings, this problem is likely to manifest under the new regulations. The prices at which moorings at Rottnest changed hands prior to the current registration and regulation procedure are a prime example.
- The very restrictive use of moorings now permitted is likely to create increased pressure on areas set aside for this purpose with more boat owners opting to have a mooring installed for their own use rather than tolerate the cumbersome procedure now required in order to make casual use of an existing facility. This will no doubt extend the waiting period for approval of applications to sink new moorings if indeed, they will be allowed at all.
- Random anchoring for short periods will cause additional damage to the riverbed, which is undesirable from an ecological point of view and quite contrary to the wishes of the Swan River Trust.
- Boat owners who do not know the owner of a mooring will be denied the right and enjoyment to moor in the rivers other than by buying an existing mooring, or making application to establish a new facility.

It is acknowledged that the new regulations do make provisions to cover temporary use of a mooring by another vessel, but this is an arrangement, which must be made in advance and is not conducive to the spontaneity of river cruising. Similarly, the arrangements as explained at the meeting for multiple use of moorings owned by yacht clubs is not practical in the real sense, as it relies on return of a tag to the club by each user before the next vessel may tie up. Clearly this will severely limit the number of vessels, which can use the mooring over a given period of time.

There is also a real need for multiple ownership in certain cases such as yacht or boating clubs and organisations and bona fide charter operators, provided that applicants can justify the need and that restrictive conditions are applied so as to prevent speculative trading.

As a means of overcoming these and other problems associated with the new regulations it is suggested that some variations be adopted such that the general principles for control and

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management of moorings by Transport are retained and greater use of moorings can be achieved. It is also expected that the variations suggested would alleviate the pressure for new moorings, which is inevitable under the present regime.

Broadly, the suggested scheme involves the creation of three categories of moorings as follows: -

1. Personal mooring.
2. Organisation mooring for yacht or sailing club or similar.
3. Charter operator mooring.

Proposed outline for use of all moorings and control of the scheme: -

Transport to nominate the grid reference of every mooring and to have the power to compel owners to stay within their ground. All mooring owners to be clearly informed that their rights comprise a riverbed licence solely, upon which they may construct/maintain a mooring and which they may occupy at will to the exclusion of other people, but only while they, or any of their authorised users remain attached to the mooring.

Owners to take total responsibility for their mooring including a report by a recognised mooring contractor certifying that it is correctly located and that the tackle and equipment is in satisfactory condition every two years, with a certified copy of the report to be provided to Transport as evidence of eligibility to renew the riverbed license. In the event of no report then the licence would be forfeited.

Control by Transport and penalties if appropriate should be limited to cases where assistance of the Department is sought to remove a casual user who refuses to leave when rightly asked to do so.

Time does not permit a study of the regulations, but it is assumed that protective mechanisms have been incorporated into the legislation such that the multiple ownership provisions cannot be circumvented by using a company and its individual directors, in conjunction with the family ski boat and the runabout as nominated primary vessels, to gain control of several moorings.

Personal mooring.

This category to provide for all present “private” moorings with a one-off registration fee to apply and all “additional” vessels authorised by the owner to carry identifying sticker. These vessels would have priority use of the nominated mooring at all times, with casual use to be available to any other vessel when the mooring is unoccupied. Casual users would be required to remain on board at all times and to vacate the mooring promptly upon request by the owner or authorised “additional” user.

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Organisation mooring.

To be registered to a yacht or sailing club or similar incorporated body. These moorings to be under the sole management of the organisation concerned including control for casual use.

Priority use of the mooring would vest in the organisation or its members/delegate(s) from time to time with casual use available to any other person when unoccupied. Casual user to relinquish mooring when called upon to do so by any Official or member/delegate of the organisation.

Where multiple ownership is permitted then the owner organisation should be required to give an undertaking to not indulge in speculative trading and the sale or transfer of any mooring could be made subject to the concurrence of the Director, Transport while multiple ownership subsists. It is expected that any sale in this category is likely to be to an associated organisation.

Charter operator mooring.

To be registered to a bona fide charter operator and with provision for multiple ownership to be permitted under controlled conditions.

Priority use of the mooring to be vested in the owner or delegate but with casual use to be available to any other person when unoccupied. Casual users to vacate mooring when called upon to do so by the owner or delegate.

Management of these moorings to be the sole responsibility of the owner or delegate including control for casual use. Sale or transfer of any mooring would be expected to take place only upon sale of the business and restrictions should apply to any other sale.

Dragging of moorings.

This is an ongoing problem, which is unlikely to be eradicated even under the new regulations, as there are still those skippers who insist upon reversing back from a mooring and even some who reverse from their own anchor.

It is acknowledged that under the new regulations the mooring owner would, in theory, know every vessel, which uses his mooring, but this does not ensure that the authorised visitor will not abuse the facility and drag it from its correct location.

Under the amendments suggested in this paper there is no immediate answer to the dragging of moorings, but as moorings are progressively inspected under this proposal and unsuitable ground tackle is replaced, the problem should abate in time. It would be helpful if a brochure on correct mooring and anchoring procedure could be forwarded to boat owners with each vessel licence renewal.

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Conclusion.

The amendments as suggested will largely return the status quo to the mooring scenario, as it existed prior to the new regulations but with important differences. The present registration requirements alone including the site location by grid reference will enable Transport to properly manage moorings in the Swan and Canning rivers. In addition, control of multiple ownership is considered desirable for a facility, which is limited as to available numbers.

Retention of many of the past practises may be viewed as undesirable, but it is the only means by which the use of moorings can be maximised and use of anchors minimised. It will also stave off pressure for a multitude of new moorings, which is likely to precipitate under the new regulations, and will assist towards maintaining non-speculative pricing for sale of existing moorings.

Some thought was given when preparing this paper to suggest the inclusion of a further category of mooring being "Private Exclusive". This was to have been a facility as currently exists under the new regulations whereby only the owner and up to seven specified vessels would be permitted to attach to the mooring, with a premium to be charged for the privilege of exclusive use. On balance, however, the inclusion of any form of exclusive use even in relatively minor number was seen to create too many problems and the idea was abandoned.

On the subject of fees it is noted that the total sum collected on an annual basis from charges levied on the Swan and Canning River moorings, is well in excess of the likely cost to manage and control the scheme. This is totally unacceptable as it is a form of taxing which is considered to be unconstitutional. A nominal one-off registration fee of say \$25.00 should be adequate to cover management fees for the small amount of work, which is involved. (A recreational fisherman's licence costs only \$20-25, depending upon the species to be fished)

The cost to Transport to employ Marine Officers is a departmental expense. The owners of ski boats or personal water craft do not pay a levy (tax) for the cost of carrying out patrols and in similar vein, these costs should not be off-loaded to the holders of riverbed licences. Recreational boat owners have already faced significant increases in boat registration fees and in this way, are contributing handsomely towards maritime costs. Mariners were assured that the healthy surplus generated from that source would be fully applied towards facilities for the recreational boating community. Moorings are precisely that, albeit supplied at no cost to Transport. Therefore Transport has scope to assist by supplying some public short stay moorings in desirable locations.

Regrettably time has not permitted these subjects to be canvassed among the members of Boating Western Australia Inc in general meeting and the comments in this paper come from some of the Executive Committee of that organisation. The working notes of BWA President Rodney Greville-Collins covering his commentary on problems and solutions in this issue are enclosed. (3 pages)

BWA is grateful for the opportunity to attend the meeting on 24th March and trusts that the concepts in this paper are of assistance to you.

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Yours faithfully

Neville Foster
Vice President
3rd April 2000