



Western Australia

Shipping and Pilotage Act 1967

**Shipping and Pilotage (Mooring Control Areas)
Regulations 1983**

Shipping and Pilotage (Mooring Control Areas) Regulations 1983

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Shipping and Pilotage (Mooring Control Areas) Regulations 1983

1. Citation

These regulations may be cited as the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983*¹.

2. Commencement

These regulations shall come into operation on the date of the coming into operation of section 10 of the *Shipping and Pilotage Act Amendment Act 1978* (in so far as it inserts paragraph (bb) into section 12 of the *Shipping and Pilotage Act 1967*)¹.

3. Interpretation

In these regulations, unless the contrary intention appears —
Act means the *Shipping and Pilotage Act 1967*;

displacement tonnage means the weight of the vessel or other floating object in metric tonnes;

mooring, mooring apparatus means a mooring, or a structure or an apparatus used to secure any floating object or apparatus in any mooring control area whether or not that structure or apparatus is itself beyond the shores of the water, and whether or not that structure or apparatus is, or is proposed to be, used for any other purpose;

person includes a body corporate or partnership;

registered owner means the person in whose name the mooring site is registered under these regulations.

[Regulation 3 amended: Gazette 31 Dec 1993 p. 6910; 11 Dec 1998 p. 6650.]

4. Application

- (1) Subject to subregulation (2), these regulations apply to any mooring control area proclaimed under section 10(2) of the Act.
- (2) These regulations do not apply to any mooring control area to which the *Mooring Regulations 1998* apply.

[Regulation 4 amended: Gazette 11 Dec 1998 p. 6650.]

5. Moorings in mooring control areas, installation and use of

- (1) A person shall not instal a mooring for a vessel or other floating object in a mooring control area unless the installation has been approved by the controlling authority.
- (2A) Except as provided in subregulation (2), a person must not use a mooring for a vessel or other floating object in a mooring control area unless the mooring site is registered by the controlling authority.
- (2) Despite subregulation (2A), where a mooring has been established in a mooring control area before the proclamation of that mooring control area, a person may use that mooring —
 - (a) within 60 days after the proclamation; and
 - (b) more than 60 days after the proclamation if —
 - (i) an application for the registration of the relevant mooring site has been made to the controlling authority in accordance with regulation 6; and
 - (ii) the controlling authority has not refused to register that mooring site.

[Regulation 5 amended: Gazette 11 Dec 1998 p. 6651; 11 Feb 2011 p. 482-3.]

6. Mooring site, application for registration of

- (1) Application for the registration of a mooring site shall be made to the controlling authority in the form approved by the controlling authority and shall contain the following information —
- (a) the full name, residential address and telephone number of the applicant and where the applicant is a body corporate or partnership the registered address and the name, address and telephone number of a natural person who may be contacted in relation thereto;
 - (b) the locality in respect of which permission to locate a mooring is sought;
 - (c) the purpose for which the vessel or other floating object to be placed on the mooring is to be used, whether private or commercial;
 - (d) the type, size and displacement tonnage of vessel or other floating object to be placed on the mooring, within the following classification —
 - (i) cabin cruiser;
 - (ii) ½ cabin cruiser;
 - (iii) houseboat;
 - (iv) hovercraft;
 - (v) hydrofoil;
 - (vi) open boat;
 - (vii) run about;
 - (viii) yacht;
 - (ix) other floating object (specify);
 - (e) where it is intended to moor a registered vessel on the mooring, the registration number of the vessel;
 - (f) where it is intended to moor a vessel or a floating object, other than a registered vessel, on the mooring, such identification of that vessel or object as the controlling authority may require.

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- (2) Application for the registration of a mooring site shall be accompanied by the appropriate registration fee and where applicable a fee for hire of the mooring site.
- (3) The applicant shall supply such further information or material as the controlling authority may reasonably require.
[Regulation 6 amended: Gazette 31 Dec 1993 p. 6910; 11 Dec 1998 p. 6651; 11 Feb 2011 p. 483.]

7. Fees

- (1) The registration fee shall be such amount as is from time to time determined by the controlling authority and published in the *Government Gazette*.
- (2) Where a hiring fee is charged it shall be such amount or calculated in such manner as from time to time determined by the controlling authority and published in the *Government Gazette*.
- (3) A hiring fee referred to in subregulation (2) must be paid in advance to the controlling authority on or before the commencement of each registration period.
[Regulation 7 amended: Gazette 31 Dec 1993 p. 6910; 11 Dec 1998 p. 6651.]

8. Approval for installation of mooring at mooring site

- (1) On receipt of the application referred to in regulation 6, the controlling authority may, when it is satisfied —
 - (a) that the mooring site selected or proposed to be allocated is appropriate;
 - (b) the mooring proposed by the applicant is generally suitable for the vessel or other nominated floating object to be located thereon;
 - (c) the vessel or other floating object to be located on the mooring will not constitute a danger or interfere with the navigation of other craft that may use the area; and

- (d) that the establishment of a mooring in the area selected is not likely to interfere with other possible useage of the waters,
- grant approval for the installation of a mooring by notice in writing to the applicant.
- (2) The applicant shall notify the controlling authority when the mooring is in position and shall, if so required by the controlling authority, assist the person nominated by the controlling authority in an inspection of the mooring.
- (3) When the controlling authority is satisfied that the provisions of these regulations have been complied with it may register that mooring site in the name of the applicant.
- (4) If a mooring has been established by a person in a mooring control area prior to the proclamation of that mooring control area and if that person makes application in accordance with regulation 6 for the registration of the mooring site upon which that mooring has been established, the controlling authority may, upon being satisfied that the provisions of these regulations have been complied with, register the mooring site in the name of the applicant without giving the notice referred to in subregulation (1) and the controlling authority shall give notice in writing of the registration to the applicant.
- (5) Where a mooring has been established in a mooring control area but application is not made to the controlling authority in accordance with regulation 6 the controlling authority may remove and destroy that mooring, but the power of removal and destruction shall not be exercised if the controlling authority is aware of the identity of the owner or reputed owner of that mooring until —
- (a) the controlling authority sends such owner or reputed owner notice of its intention to remove and destroy the mooring unless application under regulation 6 is made to it within 14 days after the date appearing on the notice; and

(b) the period of 14 days expires without such an application being made.

- (6) Without prejudice to the provisions of section 31 of the *Interpretation Act 1918*², notice under subregulation (5) may be given by fixing it to any vessel secured to the mooring or by attaching it to the mooring apparatus.

[Regulation 8 amended: Gazette 11 Dec 1998 p. 6651.]

9. Moorings may be required to be relocated

The controlling authority may, subject to the approval of the Department, vary or alter mooring sites within the mooring area and a registered owner shall, within one month (or such lesser period as is reasonably required) of receipt of a request from the controlling authority, or the Department, relocate or remove any mooring from the site so varied or altered.

[Regulation 9 amended: Gazette 11 Dec 1998 p. 6651.]

10. Moorings to be kept maintained

The registered owner shall keep and maintain the mooring —

- (a) at the registered mooring site;
- (b) in good and substantial condition and repair;
- (c) so that it at all times complies with regulation 13 and regulation 14(1).

11. Mooring may be required to be repaired etc.

Where a mooring deteriorates to the extent that it is dangerous, unusable, in need of repair or no longer occupies the registered mooring site the controlling authority may —

- (a) require the registered owner to repair, relocate or remove the mooring within a specified time;
- (b) where the registered owner cannot be contacted or does not repair, relocate or remove the mooring within the time specified, remove and destroy the mooring.

[Regulation 11 amended: Gazette 11 Dec 1998 p. 6651.]

12. Mooring site owner's rights limited

- (1) The registered owner shall not assign, sell or otherwise dispose of any rights associated with the mooring site without first obtaining the approval of the controlling authority in writing.
- (2) Where a registered owner is a body corporate a change effecting alteration to the beneficial ownership of one half or more of the shares in its capital shall be deemed an assignment requiring approval under subregulation (1).
- (3) The controlling authority may transfer the registration of a registered mooring site —
 - (a) upon receipt, where it so requires, of a satisfactory inspection report pursuant to regulation 14(2);
 - (b) after the ownership of the vessel or other floating object in respect of which registration is effected has been assigned or disposed of by the registered owner and the person who has acquired the vessel or other floating object requests the controlling authority to approve the transfer and that request is supported by evidence that the vessel or other floating object has been transferred;
 - (c) upon a transmission to a person entitled to the registered mooring site under the estate of a deceased registered owner.
- (4) In accordance with paragraph (d) of the definition of *licence* in the *Personal Property Securities Act 2009* (Commonwealth) section 10, a right associated with a registered mooring site is declared not to be personal property for the purposes of that Act.

[Regulation 12 amended: Gazette 11 Dec 1998 p. 6651;
14 Feb 2012 p. 670.]

13. Floats on moorings, specifications for

The float or buoy connected to a mooring shall be —

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- (a) of sufficient size to provide buoyancy when supporting the pennant (the chain between the mooring block and the surface float) with at least half of the mooring float projected above the water line at all times;
- (b) spherical, with a minimum diameter of 300 mm;
- (c) of a colour designated by the controlling authority, being either yellow or “day-glo” orange;
- (d) embossed or otherwise legibly painted or marked with the mooring registration number in black characters not less than 50 mm in height and not less than 6 mm in width, positioned and maintained so that they are clearly visible.

[Regulation 13 amended: Gazette 11 Dec 1998 p. 6651.]

14. Mooring to be suited to vessel etc.

- (1) Any mooring apparatus shall be of a nature, material, dimension, size, type and construction that will provide a secure mooring for any vessel or floating object of or up to the size and displacement tonnage specified in the application for registration of that mooring site.
- (2) The registered owner shall provide to the controlling authority an inspection report from an inspector approved by the controlling authority, as to the condition of the mooring, within one month of being required, in writing, to do so by the controlling authority.

[Regulation 14 amended: Gazette 11 Dec 1998 p. 6651.]

15. Mooring site registration may be terminated

The controlling authority may terminate registration of a mooring site —

- (a) where it considers it desirable in the public interest that the registration should be terminated;

- (b) where the registered owner ceases to own or control the vessel or floating object in respect of which registration was effected;
- (c) where an inspection report is not supplied in accordance with regulation 14(2);
- (d) where the hiring fee has not been paid by the commencement of the current registration period.

[Regulation 15 amended: Gazette 31 Dec 1993 p. 6911; 11 Dec 1998 p. 6651.]

16. Moorings, use of

- (1) A person shall not secure a vessel or floating object to a mooring without the consent of the registered owner.
- (2) The registered owner shall not without the previous approval of the controlling authority use or permit to be used the mooring at the registered mooring site for mooring —
 - (a) a vessel or other floating object of larger dimensions than that specified in the application for registration of the mooring site; or
 - (b) more than one vessel or other floating object simultaneously.

[Regulation 16 amended: Gazette 11 Dec 1998 p. 6651.]

16A. Prevention of collisions

- (1) Except as provided in subregulation (2), a vessel within a mooring control area shall comply with the requirements of the *Prevention of Collisions at Sea Regulations 1983* made under the *Western Australian Marine Act 1982*.
- (2) Notwithstanding subregulation (1), a vessel, when moored in accordance with these regulations within a mooring control area —
 - (a) is not obliged to exhibit the lights or shapes prescribed in Rule 30(a) and (b); and

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- (b) is not obliged to give the signals prescribed in Rule 35(g) and (i),

of the International Regulations for Preventing Collisions at Sea 1972, as set out in the *Prevention of Collisions at Sea Regulations 1983* made under the *Western Australian Marine Act 1982*.

[Regulation 16A inserted: Gazette 24 May 1985 p. 1765-6.]

17. Change of registered particulars etc., notice of to be given

- (1) The registered owner shall, within 7 days, notify the controlling authority —
- (a) of any disposal by the registered owner of the vessel or floating object in respect of which registration is effected or any interest therein; or
 - (b) of any alteration in the registered particulars of the mooring site, including any change of address or telephone number of the registered owner or the natural person who may be contacted on behalf of a body corporate or partnership.
- (2) The registered owner may, upon ceasing to own the vessel or other floating object specified in the application for registration of the mooring site, apply to the controlling authority providing such information as may be required for alteration of the registration of the mooring site to specify a different vessel or floating object belonging to the registered owner.

[Regulation 17 amended: Gazette 11 Dec 1998 p. 6651.]

18. Mooring site may be surrendered

- (1) A registered owner may by notice in writing to the controlling authority surrender a registered mooring site, but such surrender shall not entitle the registered owner to a refund of any hiring fee paid in respect of any period after the date of surrender.
- (2) A person who surrenders a registered mooring site shall within one month of giving notice of surrender remove the mooring,

failing which the controlling authority may remove and destroy the mooring.

[Regulation 18 amended: Gazette 31 Dec 1993 p. 6911; 11 Dec 1998 p. 6651.]

19. Offences

- (1) Where by these regulations an act is required to be done or forbidden to be done in relation to any mooring site or mooring, the registered owner has unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.
- (2) A person who contravenes any provision of these regulations or does not do that which, by or under these regulations, he is required or directed to do, commits an offence against these regulations.

Penalty: \$200.00.

[Schedule deleted: Gazette 11 Feb 2011 p. 483.]

Notes

- ¹ This is a compilation of the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Shipping and Pilotage (Mooring Control Areas) Regulations 1983</i>	28 Nov 1983 p. 4709-14	28 Nov 1983 (see r. 2 and <i>Gazette</i> 28 Nov 1983 p. 4707)
<i>Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 1985</i>	24 May 1985 p. 1765-6	24 May 1985
<i>Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 1993</i>	31 Dec 1993 p. 6910-11	31 Dec 1993
<i>Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 1998</i>	11 Dec 1998 p. 6650-1	11 Dec 1998 (see r. 2)
Reprint 1: The <i>Shipping and Pilotage (Mooring Control Areas) Regulations 1983</i> as at 8 Aug 2003 (includes amendments listed above)		
<i>Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 2011</i>	11 Feb 2011 p. 482-3	r. 1 and 2: 11 Feb 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Feb 2011 (see r. 2(b))
<i>Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 2012</i>	14 Feb 2012 p. 669-70	r. 1 and 2: 14 Feb 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Feb 2012 (see r. 2(b))

- ² Repealed by the *Interpretation Act 1984*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Act	3
displacement tonnage	3
mooring	3
mooring apparatus.....	3
person.....	3
registered owner.....	3