

# Restricted buoy mooring authority – fact sheet

January 2019

## What is a buoy mooring authority?

A buoy mooring authority is an approval granted by Maritime Safety Queensland under the *Transport Operations (Marine Safety) Act 1994* for a buoy mooring authority holder to establish and occupy an allocated position.

The granting of an application for a buoy mooring authority is a personal grant and does not confer legal title on any person. A buoy mooring authority cannot be given as a gift or reward, sold (either with an approved ship or as a mooring only), transferred, rented, sub-leased, or used for financial gain.

An unauthorised or unmarked buoy mooring may be seized and removed. The person responsible for an unauthorised or unmarked buoy mooring may be liable for prosecution and/or costs incurred by Maritime Safety Queensland in removing the mooring device.

Restricted buoy mooring authorities are issued generally for recreational use by a single nominated and approved ship.

## Buoy mooring areas

The administration of buoy moorings is determined by an area-based classification system in which areas of Queensland waters are defined as either a Category 1, 2 or 3. Maritime Safety Queensland issues buoy mooring authorities for Category 2 and 3 buoy mooring areas.

- **Category 1** buoy mooring areas are managed and controlled by third parties (mooring managers) through agreements with Maritime Safety Queensland. All fees charged and conditions imposed on the use of these moorings are set by the relevant mooring manager.
- **Category 2** buoy mooring areas are considered by Maritime Safety Queensland to pose higher risks to marine safety and the control of navigation is a significant, ongoing concern, due to environmental elements or navigational issues.
- **Category 3** buoy mooring areas are all other areas of the State, unless otherwise upgraded to a higher category by Maritime Safety Queensland.

## Mooring buoy identification and specifications

The number issued by Maritime Safety Queensland for the buoy mooring authority must be marked on the buoy attached to the mooring in plain characters not less than 50mm high, with proportionate spacing and stroke width, on a light background. If a buoy is of a solid nature, the number must be etched or branded on to it. Otherwise, the number may be painted onto the buoy.

The number marked on the buoy must be maintained so as to be legible at all times. Buoys may be fitted with retro-reflective material to enhance visibility.

Where a Maritime Safety Queensland regional office has issued a grid number with the buoy mooring authority this must also be marked on the buoy and maintained so as to be legible at all times.

## Mooring buoy specifications

The surface buoy attached to the mooring tackle:

- must be not less than 250mm and not more than 800mm in its greatest dimension. The buoy must be of adequate volumetric dimensions to support the mooring device in all environmental conditions
- must be of sufficient length to ensure the buoy remains on the water's surface at all times
- must be of a robust construction and preferably foam filled. Where a buoy is of synthetic construction, it should also be UV-stabilised
- should be spherical, teardrop-shaped or the shape of two cones joined at their bases, and not of a shape so as to cause confusion with navigation markers.

## Mooring buoy colours

Restricted mooring buoys must be yellow in colour. Buoy moorings in Queensland coastal waters, jointly authorised by Maritime Safety Queensland and the Great Barrier Reef Marine Park Authority, are to be colour-coded as per Maritime Safety Queensland's specifications.

## Conditions of Use

The conditions of use applicable to a buoy mooring authority may be amended upon renewal each year by Maritime Safety Queensland in the interest of marine safety, efficiency and effectiveness of the maritime industry.

Failure to comply with any conditions of use or directions of a regional harbour master may result in the buoy mooring authority holder being liable for prosecution and/or any costs incurred by Maritime Safety Queensland.

The ship on the mooring must be Queensland registered, unless it is exempt from registration.

Only the buoy mooring authority holder's nominated ship is permitted to be moored on the mooring.

The buoy mooring authority holder is responsible for ensuring:

- The mooring is permanently secured in the approved position. Should the mooring be moved by natural occurrences, it must be repositioned to the approved position. The mooring may not be relocated to any other position without written consent from Maritime Safety Queensland.
- The mooring device is maintained in a safe and serviceable condition at all times and is suitable for the type of ship attached to the mooring. **Note:** In Category 2 buoy mooring areas, the mooring device must be installed and maintained by a commercial mooring contractor.
- The ship on the mooring displays an all-round white light between the hours of sunset and sunrise.
- The ship on the mooring complies with the:
  - *Transport Operations (Marine Safety) Act 1994 and Regulation 2016*
  - *Transport Operations (Marine Pollution) Act 1995 and Regulation 2018* for the management of on-board garbage and sewage. The authority holder is responsible for the removal of ship-sourced waste.
- A current evacuation plan is maintained, should the ship need to evacuate the area expediently (Category 2 buoy mooring areas only).
- Maritime Safety Queensland is informed of any change in contact details. Otherwise, the buoy mooring authority may expire or be cancelled by Maritime Safety Queensland without further notice.
- Maritime Safety Queensland is notified, in writing, should the buoy mooring no longer be required.

Maritime Safety Queensland may cancel or refuse to renew a buoy mooring authority if there has been a significant change in circumstances affecting marine safety in the vicinity of the buoy mooring. The authority holder must remove the buoy mooring device within 14 days after its cancellation or expiry in accordance with section 194(3) of the *Transport Operations (Marine Safety) Regulation 2016*.

As part of Maritime Safety Queensland's buoy mooring auditing process, checks will be conducted at random of restricted buoy moorings to ensure they are used in accordance with the intent of the buoy mooring policy. This can occur at any time. If a restricted buoy mooring is being used in contravention of the buoy mooring policy, the authority may be cancelled.

## Buoy mooring authority renewal

Buoy mooring authorities are subject to annual renewals and fees. Buoy mooring authority renewals may be accepted at Maritime Safety Queensland regional offices, Department of Transport and Main Roads (TMR) Customer Service Centres and TMR-led Queensland Government Agent Program offices.

Authority holders are required to sign a 'Conditions of Use' form (this may be on the renewal notice) indicating that the conditions placed on the buoy mooring authority, each time it is renewed, are understood.

If the 'Conditions of Use' form and mooring condition report are not submitted with each renewal application along with the annual fee payment, the buoy mooring authority will not be renewed.

Authority holders are required to submit a written mooring condition report each time a buoy mooring authority is renewed.

- For **Category 3** buoy mooring areas - the report can be made by a commercial mooring contractor or by the authority holder signing a declaration on the renewal notice. The mooring device should be inspected, as a minimum, at least once a year, to determine that it is in the correct position, is in a safe and serviceable condition and is suitable for the type of ship attached to the mooring.
- For **Category 2** buoy mooring areas – the inspection of the mooring device must be undertaken by a commercial mooring contractor with a mooring condition report provided to the authority holder.

## Payment options

Buoy mooring authority renewals may be paid by the following methods:

- By mail: cheque or money order;
- In person: EFTPOS (cheque or savings account), credit or debit card (Visa or Mastercard); cash; cheque or money order. **Note:** A surcharge will apply to the total amount paid using the credit card option. Further information can be found at [www.tmr.qld.gov.au/creditcard](http://www.tmr.qld.gov.au/creditcard).

Upon renewal, the details displayed on the buoy mooring authority renewal will be checked against the records stored in TMR's recreational or commercial ship registers.

## Change the nominated ship on the buoy mooring authority

The authority holder must write to Maritime Safety Queensland to change the nominated and approved ship.

If the nominated and approved ship is sold, the authority holder has 90 days, from the date of sale, to nominate a suitable replacement ship. If the authority holder does not advise Maritime Safety Queensland of a suitable replacement ship (with proof of registration/ownership) within the 90-day period, the buoy mooring authority may be cancelled and the authority holder will be required to remove the mooring device.

All buoy mooring authorities stipulate a maximum length overall (LOA) for the nominated and approved ship. It is the authority holder's responsibility to ensure that the new ship complies with this length. In some circumstances Maritime

Safety Queensland may be able to accommodate an increase in size for the nominated ship. The authority holder should contact the relevant Maritime Safety Queensland regional office before purchasing the new ship.

## Surrender the buoy mooring authority

If a buoy mooring is no longer required, the authority holder must:

- notify Maritime Safety Queensland, in writing;
- surrender the issued buoy mooring authority to Maritime Safety Queensland for cancellation; and
- remove the buoy mooring device within 14 days after its expiry, surrender or cancellation, in accordance with section 192 of the *Transport Operations (Marine Safety) Regulation 2016*.

An authority holder who does not remove the buoy mooring may be liable for prosecution and/or any costs incurred by Maritime Safety Queensland.

An authority holder who intends to surrender their buoy mooring authority may contact the relevant Maritime Safety Queensland regional office to determine if a prospective applicant may wish to purchase the mooring device.

Maritime Safety Queensland may provide contact details to interested parties, with consent, but will not otherwise be involved in negotiations between the parties nor guarantee the condition of the mooring device.

Where the buoy mooring authority holder surrenders the buoy mooring authority and is aware that another entity is interested in obtaining the mooring position they currently occupy, both parties must contact the relevant MSQ regional office to discuss the matter.

The interested entity/prospective buoy mooring authority holder must complete all the requirements of a new buoy mooring application and pay the appropriate fees.

A buoy mooring authority will not be issued to an interested entity/prospective buoy mooring authority holder where a priority list exists for a particular area **except** if the authority was originally issued prior to 01 January 2006 and **all** of the following requirements are met:

- The ownership of the ship currently on the mooring passes from the present buoy mooring authority holder to the interested entity/prospective buoy mooring authority holder (eg. Sale, transfer, gift); **and**
- The current buoy mooring authority holder provides documented evidence that:
  - The buoy mooring authority was originally issued prior to 01 January 2006; **and**
  - The current authority holder is the same as that prior to 01 January 2006; **and**
  - The authority has remained in a valid state since 01 January 2006 (renewal notice has been paid each year); **and**
- The buoy mooring authority is surrendered by the current authority holder. The current authority holder is responsible for the mooring device (remove or sell to the prospective authority holder); **and**
- The ship currently on the mooring must be the same ship nominated on the application form by the prospective authority holder.

**Note:** The new buoy mooring authority holder is not eligible to apply for the exception described above.