

Buoy mooring authority application process

June 2021

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 a buoy mooring authority is not a personal grant and does not confer legal title to any person. A buoy mooring authority cannot be given as a gift or reward, sold (either with the 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.

Buoy mooring category 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 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.

Buoy mooring authority types

Maritime Safety Queensland issues two types of buoy mooring authorities (restricted and unrestricted) for Category 2 and 3 buoy mooring areas.

- **Restricted** buoy mooring authorities are issued generally for recreational use and for one nominated ship per individual or organisation.
- **Unrestricted** buoy mooring authorities are issued to support the activities of established marine service providers and legitimate maritime organisations. Applicants must be able to demonstrate to Maritime Safety Queensland that the buoy mooring is required and is used solely to support the nominated business activity.

Buoy mooring zones

The Area Manager may choose buoy mooring zones for reasons such as, but not limited to:

- keeping restricted moorings grouped
- reserving some areas for high mast vessels
- reserving some areas for residents of certain coastline or islands.

The Area Manager should keep a record of buoy mooring zones, with justification for each, for future use or information if needed.

Buoy mooring authority application process

The applicant must:

- Complete the Buoy Mooring Authority Application form
- Pay the applicable fees. There are two applicable fees:
 - Initial non-refundable assessment fee (payable at lodgement of application)
 - 12-month occupancy fee (payable after the application has been approved and the applicant has accepted an offer to occupy, an invoice will be issued for payment)

The prescribed fees can be found at <http://www.msq.qld.gov.au/About-us/Current-fees.aspx>

- Provide supporting documentation.

Supporting documentation consists of:

Evidence of identity:

- Individuals
Examples include: Queensland driver licence, adult proof of age, industry authority or marine licence indicator card. For more information refer to the Department's website: www.tmr.qld.gov.au/ Evidence of Identity Requirements form (F4362). Any copies provided should be certified.
- Organisations
Examples include: certificate of incorporation, certificate of registration as a business name, Australian Company Number (ACN), Australian Business Number (ABN) or cheque, displaying company number.

Evidence of residential or business address:

- Individuals
Examples include: Queensland driver licence, local government rates, utility, gas or electricity notice.
- Organisations
Examples include: local government rates, utility, gas or electricity notice.

Ship information:

- Evidence of ship registration or ownership – Queensland certificate of registration.
For ships exempt from registration – ownership papers.
- Ship details including type, size, draft and length of ship/s. This information is displayed on the certificate of registration.

Proposed location of buoy mooring

- Applicants are responsible for providing detailed information that will enable a desktop assessment of the proposed location to proceed to a conclusion.
- The applicant must define the general desired area for the proposed mooring so Maritime Safety Queensland can assess availability in the area.
- Maritime Safety Queensland will provide options for mooring placement. In high density areas, Maritime Safety Queensland may only have one option. Contact the relevant Maritime Safety Queensland regional office for further information.

Additional documentation required

Port authority/operator and other entity clearances

If the proposed mooring is within port authority/operator, Great Barrier Reef Marine Park Authority, Department of Agriculture and Fisheries (declared fish habitat areas and marine plants), Department of National Parks, Sport and Racing (marine parks) or local government jurisdiction, the applicant must provide satisfactory evidence that all relevant entities have agreed to and/or advised of no objections to the establishment of the mooring (for example, letter, email or fax).

Cultural heritage clearances

Cultural heritage considerations should not be confused with Native Title issues as cultural heritage can be both, tangible or intangible, indigenous or non-indigenous in nature, and exist regardless of the type of land tenure.

At the time of lodgement, the applicant may request Maritime Safety Queensland to carry out cultural heritage checks on their behalf. If they do not check the box for Maritime Safety Queensland to do so, the applicant is responsible for providing written verification from the Department of Aboriginal and Torres Strait Islander Partnerships (indigenous cultural heritage) and the Department of Environment and Science (non-indigenous cultural heritage) to ensure the proposed buoy mooring will not affect a place or area which is of significant cultural heritage.

Review of buoy mooring authority application

If there is insufficient information to support an application, it is the applicant's responsibility to provide any additional information at Maritime Safety Queensland's request. A 30-day processing period will commence upon receipt of all requested information.

If your buoy mooring authority application is approved and there is:

- no priority list: The applicant will be notified to pay the Occupancy Fee. Once the Occupancy Fee has been paid, the buoy mooring authority will be prepared and sent to the applicant.
- a priority list: The application will be added to the relevant priority list and the applicant notified. Payment of the Occupancy Fee is only required once the offer to occupy has been sent and accepted.

Note: Applications are added to priority lists in chronological order. Invoices for fees will include details for payment options, including an online payment option.

If your buoy mooring authority application is refused, you will be advised in writing detailing the reasons for the refusal.

Priority list allocation of mooring position

A mooring position will generally be offered to the applicant at the top of the priority list for that area. Consideration must also be given to the size of the ship and suitability of the area. Additional consideration may be given to a business application, if the business can demonstrate a legitimate commercial need to utilise the buoy mooring for more than one ship.

Where the next available mooring position is not suitable for the ship nominated by the applicant at the top of the list, an offer will be made to the applicant closest to the top of the list that can use the available mooring. Other applicants ahead of the person/business being offered the mooring will be advised as to why an offer has not been made to them.

Applicants are given 14 days from the date of written advice from Maritime Safety Queensland to accept or decline the offer of a buoy mooring position. If the applicant does not accept an offer within 14 days, an offer is made to the next most suitable applicant on the priority list.

Once an offer has been made and accepted for a buoy mooring position in one area, all other applications for that person/business will be removed from priority lists.

After the relevant Maritime Safety Queensland regional office has received the applicant's written acceptance of the offered buoy mooring position and payment of the occupancy fee, the applicant will be allowed a further 30 days to either:

- Contact the relevant regional office to discuss the exact location of the mooring position.
- Place the mooring device in position or take possession of or purchase any device which may already be in position from the current owner or mooring authority holder (if a sale of the device cannot be negotiated, the current authority holder is required to remove it within 14 days after the expiry or surrender of their authority).
Note: In Category 2 buoy mooring areas, a commercial mooring contractor must install the mooring device in the allocated position or inspect the existing mooring device and provide a mooring condition report.
- Place the nominated ship on the mooring buoy.

Mooring buoy identification and specifications

The buoy attached to the mooring must be marked with the buoy mooring authority number issued by Maritime Safety Queensland in plain characters not less than 50mm high, with proportionate spacing and stroke width, on a light background. If the 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. Where a Maritime Safety Queensland regional office has issued a grid number with a buoy mooring authority this must also be marked on the buoy and maintained so as to be legible at all times. Buoys may be fitted with retroreflective material to enhance visibility.

Mooring buoy specifications

The surface buoy needs to be:

- attached to the mooring tackle
- not less than 250mm and not more than 800 mm in its greatest dimension
- of adequate volumetric dimensions to support the mooring device in all conditions
- of sufficient length to ensure the buoy remains on the water's surface at all times
- of a robust construction and preferably foam filled. Where a buoy is of synthetic construction, it should also be UV-stabilised
- 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. Unrestricted mooring buoys must be fluorescent or bright pink in colour. Where these colours are unavailable, orange is acceptable as a substitute colour. Buoys attached to Great Barrier Reef Marine Park Authority approved unrestricted buoy moorings are to be light blue in colour and marked accordingly to ensure they are not mistaken for Maritime Safety Queensland enforcement/emergency buoy moorings. 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 interests 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.

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 or if an unrestricted mooring holder can no longer show evidence of a maritime-related business. Should an authority expire, be cancelled or surrendered, the authority holder must remove the mooring device within 14 days.

The buoy mooring authority holder is responsible for ensuring compliance with all conditions on the Authority. **Note:** In Category 2 buoy mooring areas, the mooring device must be maintained by a commercial mooring contractor, and a current evacuation plan is maintained, should the ship need to evacuate the area in an emergency.