1.0 Introduction

1.1 Maritime Safety Queensland (MSQ) will minimise the risk of marine incidents in Queensland waters, through the development, implementation, management and
maintenance of consistent Vessel Traffic Management in accordance with best practice and conforming, where workable, with international recommendations, guidelines and Australian standards. This includes the establishment of Category 1 buoy mooring areas that are managed by entities external to MSQ.

1.2 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. In accordance with s.207 of the Transport Operations (Marine Safety) Regulation 2004 (the Regulation) unless declared otherwise, all buoy mooring areas are, by default, Category 3.

1.3 The approval conditions applicable to Category 2 and 3 areas, (ie prohibiting sub-leasing or otherwise profiting from buoy moorings) may not apply to Category 1 areas, unless stipulated in the written agreement between MSQ and the external entity (ie. Mooring Manager).

2.0 Purpose and scope of this standard

2.1 The purpose of this standard is to provide an operational framework that provides policy clarity and consistency by outlining:

- The principles to be considered by MSQ for establishing Category 1 buoy mooring areas;
- The criteria set by MSQ for prospective Mooring Managers; and
- The conditions imposed by MSQ on Mooring Managers in the form of Buoy Mooring Agreements.


2.3 This standard is aligned with the current MSQ Key Outcomes by providing a framework for the management of buoy moorings that enhances the safety of ship movements, and consequently, the protection of the environment via the prevention of ship-sourced marine pollution.

2.4 This standard and related documents apply to organisational units of MSQ engaged in the establishment of Category 1 buoy mooring areas and to Mooring Managers in the management and control of buoy moorings in these areas.

3.0 Definitions

<table>
<thead>
<tr>
<th>Terms, abbreviations and acronyms</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1 areas</td>
<td>Managed mooring areas where a third party (eg. Port authority, port operators, state and local governments or private enterprise) enters into an agreement with MSQ to manage buoy moorings.</td>
</tr>
<tr>
<td>Category 2 areas</td>
<td>Those areas where the General Manager (MSQ) considers there is a higher risk of marine safety, and the control of navigation is a significant, ongoing concern, due to environmental elements or navigational issues.</td>
</tr>
<tr>
<td>Category 3 areas</td>
<td>All areas of the State are, by default, category 3 (remote) areas, unless otherwise upgraded to a higher category by the General Manager (MSQ).</td>
</tr>
</tbody>
</table>
Mooring Manager | A person authorised by the General Manager (MSQ) to manage and control buoy moorings in a Category 1 mooring area.
---|---
Port authority | Defined in the Transport Infrastructure Act 1994 as: A port authority established under s. 268 or a body declared to be a port authority under a regulation under s. 274A; but does not include a port authority that has been abolished under s.270 or for which the declaration has been revoked under a regulation under s. 274A.
Port operator | Defined in the Transport Infrastructure Act 1994 as: A port lessee or port manager to whom functions have been delegated under s.289Z; or otherwise—the port lessor.
RHM | Regional Harbour Master
the Regulation | Transport Operations (Marine Safety) Regulation 2004

4.0 **Standard**

4.0.1 Under the provisions of s.207 of the Regulation, the General Manager (MSQ) may:
- Declare an area of Queensland waterway, by gazette notice, as a Category 1 Buoy Mooring Area; and
- Authorise a person (ie. Mooring Manager), by written agreement, to manage and control buoy moorings in the declared area. A Mooring Manager may charge fees for the use of the moorings and impose certain conditions on the use of and placement of moorings in the declared area.

4.0.2 MSQ will consistently apply the principles for establishing Category 1 buoy mooring areas in Queensland waters and the criteria for selecting suitable Mooring Managers on a state-wide basis.

4.0.3 The requirements of the Queensland Coastal Plan must be considered by MSQ for establishing buoy mooring grids. This will ensure the design and proposed location of the buoy mooring grids support the aims of the Plan. For further information refer: http://www.ehp.qld.gov.au/coastalplan/

4.0.4 MSQ will ensure that each proposal for the establishment of a Category 1 buoy mooring area and the subsequent appointment of a Mooring Manager is dealt with on its individual merits. The procedure for establishing Category 1 areas and appointing Mooring Managers is outlined in **MSQ Procedure: Establish Category 1 Buoy Mooring Areas and Appoint Mooring Managers**.

4.1. **Principles for Establishing Category 1 Areas**

4.1.1 MSQ will apply the following principles in considering the establishment of Category 1 buoy mooring areas. They are:
- An opportunity exists to improve the quality of buoy mooring installation and maintenance of the moorings to ensure marine safety;
- MSQ may realise resource and cost benefits by transferring the responsibility for administering, managing and monitoring buoy moorings to Mooring Managers, in particular, where MSQ does not have a local presence;
- A demand for buoy moorings in a particular area exists to create interest for potential
Mooring Managers;

- Alternative anchorage sites are available within the vicinity that provides a choice of moorings for the maritime community;
- A buoy mooring area is experiencing issue/s that having a Mooring Manager would address; and
- The opportunity to enhance the safety of ship movements through traffic separation and relieve unsafe ship interaction.

4.1.2 In considering the above principles, if the RHM/delegate makes a decision to establish a Category 1 buoy mooring area, approval is required by the Executive Director (Maritime Operations). If approval is granted, the RHM/delegate may proceed to issue an 'Expression of Interest' for a Mooring Manager.

4.2 Mooring Manager Criterion

4.2.1 To attract interested entities to act as Mooring Managers for Category 1 buoy mooring areas MSQ will issue an 'Expression of Interest'. This provides external entities the opportunity to outline their ability to meet MSQ's requirements for the management of these areas.

4.2.2 In certain instances, the 'Expression of Interest' process may not be required for the management rights of a Category 1 buoy mooring area. Entities may express an interest to manage the declared area:
- Where there is a clear benefit to port operations (eg. Councils, port authorities, port operators); or
- Where there exists a commercial entity which is an authority holder for a grid of moorings with a history of safely maintaining the moorings (eg. a resort owner, developer).

**Note:** All entities must be able to demonstrate or provide evidence to the RHM/delegate that they are capable of acting as the Mooring Manager for that particular area.

4.2.3 All prospective Mooring Managers will be required to provide examples of, or be able to demonstrate, their ability to manage and control buoy mooring areas. The selection criteria is as follows:

- Evidence and status of legal identity (eg. Driver licence, Australian Company Number, Australian Business Number);
- Qualifications (eg. Commercial dive certificate);
- Insurance cover (eg. Public liability insurance for no less than $10 million and workers compensation);
- A management plan, including proposed fees;
- Details of the services (eg. monitoring, placement and survey) provided to buoy mooring users for the proposed fees;
- A compliance plan;
- A pollution prevention plan;
- Applied knowledge of mooring best practice;
- Knowledge of legislation relating to buoy mooring management;
- Details of current buoy moorings managed; and
- Referrals from other government agencies as to prior experience in managing moorings.
4.3 **Buoy Mooring Agreement**

4.3.1 If the General Manager approves the establishment of a Category 1 buoy mooring area, MSQ will enter into a written agreement with the Mooring Manager in the form of a Buoy Mooring Agreement. A template for the Agreement is provided in this document, see attachment A. **Note:** The list of conditions in the template is not exhaustive.

4.3.2 By accepting responsibility for the management and control of the declared area, the Mooring Manager must:

- Comply with the terms and conditions contained in the Agreement;
- Be willing to enforce the terms and conditions it imposes on the use of the moorings, if necessary, through civil powers enforced through terms of use and/or contracts with the users of the moorings; and
- Comply with MSQ’s buoy mooring policy and any other State and Commonwealth legislative requirements.

4.3.3 MSQ may enter into an Agreement with a Mooring Manager for a period of no less than 5 years and no longer than 10 years.

4.3.4 MSQ or the Mooring Manager may terminate the Agreement at any time by giving 6 months notice, in writing, to the other party.

4.3.5 Should the Mooring Manager commit a substantial breach of the Agreement, MSQ may terminate the Agreement by giving written notice.

4.3.6 All buoy moorings located in areas declared as a Category 1 are required to comply with MSQ’s state-wide identification and specification standards. Refer: MSQ Standard: Identification and Specifications.

4.3.7 Any costs recovered by the relevant MSQ regional office responsible for administering and monitoring for compliance with the Buoy Mooring Agreement are to be retained by that office.

5.0 **Relevant documents and/or references**

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety) Regulation 2004


Transport Operations (Marine Pollution) Regulation 2008

The current Maritime Safety Queensland Key Outcomes

Maritime Safety Queensland Documents:
- Policy: Vessel Traffic Management
- Standard: Buoy Moorings – Identification and Specifications
- Procedure: Establish Category 1 Buoy Mooring Areas and Appoint Mooring Managers
### 6.0 Stakeholders

<table>
<thead>
<tr>
<th>Stakeholder Area</th>
<th>Stakeholder Representative</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSQ</td>
<td>General Manager</td>
<td>Delivery of MSQ services</td>
</tr>
<tr>
<td>Maritime Operations</td>
<td>Executive Director</td>
<td>Developing and maintaining policies, procedures, standards and guidelines</td>
</tr>
</tbody>
</table>
| MSQ Regions            | Regional Harbour Masters   | • Making assessments and recommendations to the GM for establishing Category 1 areas  
                          |                             | • Selecting suitable Mooring Managers for these areas                           |
                          |                             | • Undertaking consultation with external entities                                |
                          |                             | • Undertaking Native Title Comment (if required)                                 |
| Mooring Managers       | Company director/secretary | Ensuring the terms and conditions contained in the Buoy Mooring Agreement are complied with for the term of the agreement |

*Attachments* -> [Category 1 Buoy Mooring Agreement (April 2013).doc](#)