

# Statewide Mooring Audit Program

## Frequently Asked Questions

Roads and Maritime Services | April 2019

### **Q: Why is RMS auditing moorings?**

**A:** Each year, mooring apparatus failure results in vessels coming adrift and causing damage to moored vessels, maritime infrastructure, the environment and safety to people.

Additionally, poorly maintained vessels sinking at their moorings impact the environment, and create a hazard to navigation.

Costly salvage and clean-up operations are becoming an increasing burden on waterway funds, effectively reducing the money available for infrastructure and services for boaters.

### **Q: When are the audits?**

**A:** The mooring audits commenced in mid-February 2019 and will be conducted generally between March and September each year.

### **Q: How much notice will I get?**

**A:** Before an audit is conducted, a letter will be sent to the registered mooring licence holder advising the licence holder that an audit of their mooring and vessel has been scheduled for the following month.

The letter will contain information on what needs to be done to make the vessel and mooring apparatus compliant with the mooring licence conditions. A brochure with details of the mooring licence conditions will be attached to the letter. The licence holder was also given the mooring licence conditions at the time of taking out the mooring licence

### **Q: Who will conduct the audit?**

**A:** Maritime Boating Safety Officers will conduct the audit.

### **Q: Will I be notified of the audit findings?**

**A:** If your mooring and vessel are fully compliant, and Proof of Service was provided as requested, you will receive a thank you letter, and no further action is required.

If your mooring and/or vessel are non-compliant, a letter will be issued listing the defect/s that you must rectify. This may include an Official Caution or a penalty notice (fine). The timeframe that you have to fix the issues will be outlined in the letter and is generally 21 days depending upon the issue.

### **Q: What are the mooring licence conditions I need to comply with?**

**A:** The mooring licence conditions are available on the RMS website and will be enclosed with the letter sent regarding your upcoming audit.

The conditions for both Commercial and Private mooring licences can be found at: <http://www.rms.nsw.gov.au/maritime/moorings/documents-and-forms.html>

## Q: What defects attract a penalty notice?

**A:** The following defects can attract a Penalty Notice:

1. Vessel starting to sink
2. Safety issues such as –
  - a) Hull and equipment in poor condition
  - b) Heavy growth on the mooring apparatus
  - c) Mooring pole in poor condition
  - d) Proof of mooring apparatus service not provided to Roads and Maritime within the timeframe. It must be provided by the last day of the month of the audit.
3. Mooring submerged due to marine growth
4. Vessel unsafe to take a voyage
5. Vessels with persons living on board, causing environmental concerns relating to waste management or noise coming from the vessel
6. Marine growth impacting upon the steerage or prop buoyancy vessel operation
7. Incorrect vessel attached to mooring, especially if it is larger than the licensed vessel.

Under Section 67ZA(3) of the Ports and Maritime Administration Regulation 2012, failure to comply with mooring licence conditions may result in a penalty notice of \$500 or a maximum penalty of up to \$5,500.

## Q: How much time do I have to fix defects?

**A:** The letter describing the defects will state the number of days you have to repair the defects or remove the vessel and give up the mooring. It is generally 21 days to repair the defects.

## Q: What do I need to provide as 'proof of service' for my mooring?

**A:** It is a condition of your Private Mooring Licence that the mooring apparatus must be kept in good condition and serviced every 12 months, and that proof of mooring service must be produced on request.

If you have had your mooring serviced by a mooring contractor, you must provide an invoice or receipt from the contractor showing:

- The contractor's name and ABN/ACN
- The mooring ID.

- The date the mooring was serviced.

If you serviced your mooring yourself, you must provide a NSW Statutory Declaration which includes:

- The mooring ID
- The date the mooring was serviced.

There is a statutory declaration on our website <http://www.rms.nsw.gov.au/maritime/moorings/documents-and-forms.html> that you can use if you have serviced your mooring yourself.

## Q: I'm a qualified tradesman/shipwright and did the work myself. What do I need to provide as 'proof of service'?

**A:** We will need to see a statutory declaration signed by an authorised witness declaring that the remedial works were carried out and completed to a satisfactory standard. There is a statutory declaration on our website <http://www.rms.nsw.gov.au/maritime/moorings/documents-and-forms.htm>

## Q: What happens if I fail to carry out the remedial works in the mooring audit?

**A:** If you refuse all requests to carry out remedial and repair works on your mooring and/or vessel and your vessel has been identified as unseaworthy RMS will issue you a notice to remove your vessel.

If you refuse to remove your vessel, RMS has the power to take your vessel into custody. It may not be resold into the second hand boat market, depending upon its value.

Instead, the vessel will be dismantled and recycled as much as possible.

If you fail to take remedial and repair works on your mooring as requested, your mooring licence will likely be cancelled and the mooring reallocated. This action may impact upon any application you make to get a mooring in the future.

## Q: Can I negotiate additional time to organise remedial works?

**A:** Yes, you can negotiate a plan of action for the remedial/repair works. You will need to contact Roads and Maritime to make suitable arrangements. Contact details are on the initial letter.

**Q: Can I appeal against the findings of the audit?**

**A:** If your mooring licence is cancelled due to your failure to rectify the defects identified in the audit, you can appeal to the General Manager Operations & Compliance. The process for appealing is outlined in the final Notice of Cancellation letter. Email: [psaudit@rms.nsw.gov.au](mailto:psaudit@rms.nsw.gov.au)

**Q: Who can I speak to about my audit?**

**A:** You can contact RMS via the below contact details which were also provided on the initial letter.

**E:** [psaudit@rms.nsw.gov.au](mailto:psaudit@rms.nsw.gov.au)

**Ph:** 13 12 36 (option 2)

**Q: Can RMS recommend a qualified Mooring contractor?**

**A:** RMS cannot recommend a contractor. However, you can find them in the yellow pages, on the internet or in local boating publications.