



## Marine Order 64 (Vessel traffic services) Reissue

### Consultation Report – April 2022

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# 1. Introduction

*Marine Order 64 (Vessel traffic services) 2022* is a reissue of *Marine Order 64 (Vessel traffic services) 2013*. The commencement date of the reissued Order is 1 July 2022.

The main changes in draft Marine Order 64 (MO64) that was circulated for public consultation are:

- To align with the provisions of the revised IMO *Guidelines for vessel traffic services*:
  - o all references to 'types of services' (Information Service, Traffic Organisation Service and Navigational Assistance Service) have been removed.
  - o references to International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) standards have been added, specifically in relation to the establishment and operation of Vessel Traffic Service (VTS).
  - o an option for VTS providers to conduct recurrent training courses with approval from AMSA for revalidation of VTS qualifications has been added.
- The requirements for VTS training organisations to be a 'registered training organisation' have been amended.
- The marine order has been formatted and restructured in line with the most current drafting style, in addition to updated definitions and removal of repetitions.

## 2. Consultation approach

VTS is a specialised area in the shipping industry with interest from specific groups of stakeholders. VTS providers and VTS training organisations are the key stakeholders of MO64 with port authorities also having some interest. AMSA's VTS team has been working closely with VTS providers and VTS training organisation for the implementation of the current MO64 since it came into force in 2013. IALA standards and guidelines already plays a significant role in operating VTS in Australian waters under the current marine order.

In the revised *Guidelines for vessel traffic services* (Guidelines) IMO has recognised IALA as an important contributor to IMO's role and responsibilities relating to VTS. Whilst the consultation draft was circulated to various industry groups within the wider shipping industry, the Australian VTS industry was well aware of changes coming through the revised Guidelines as AMSA's VTS team had been in close contact with them ahead of the public consultation period. VTS stakeholders were particularly targeted by circulating a newsletter developed for them highlighting all changes in the draft MO64. This made it possible to allow a four week consultation period for the draft MO64.

## 3. Public Consultation

### Overview

The public consultation on the proposed draft MO64 took place between 7 March 2022 and 3 April 2022 for a period of four weeks. A copy of the draft MO64 was placed on the AMSA website and social media including Facebook and Instagram for public comment. Notification of the public consultation was also emailed to around 156 stakeholders including VTS providers, VTS training organisations, port authorities, ship operating companies, seafarer representative organisations, classification societies, shipping industry peak bodies and interested government departments and agencies inviting them to comment.

AMSA received one submission during the public consultation period, largely giving feedback that required no changes to the draft order and seeking clarification on various issues addressed in the draft MO64. Two late submissions were received after the consultation closed, which were also taken into consideration. One of the late submissions expressed full support for the proposed new MO64.

### Key issues arising from feedback and AMSA's response

During the process of reviewing the feedback from industry, AMSA identified five key issues, out of which four are essentially seeking clarifications with only one (key issue 3) actually suggesting a change in the draft MO64. These issues are outlined below.

### Summary of submissions

Activity	Received	Confidential	Public
Public Consultation	3	3	0

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**Key issue 1:** Whether the VTS regime crosses over or overrides state jurisdiction related to harbour master roles and responsibilities.

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**Response:** Operation of VTS under the Navigation Act and MO64 doesn't crossover or override operation of port authorities and responsibilities of harbour masters under State or Territory jurisdictions. There is no overlap between VTS providers area of responsibility and harbour masters area of operation. MO64 has been operating for nearly a decade without any issues being identified, and there is no change in any arrangement in this regard in the draft MO64.

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**Key issue 2:** Significantly lower penalty points for masters not complying with instructions from VTS provider compared to penalty points for not complying with reporting obligation.

**Response:** Section 215 of the Navigation Act puts obligation on masters to comply with reporting requirements with penalties specified. However, masters are required to comply with instructions given to them by VTS providers in accordance with paragraph 6.1.3 of the revised Guidelines. Under subsection 341(1) of the Navigation Act, AMSA can only impose a maximum of 50 penalty points in any regulation. Hence the difference in penalty points for non-compliance with reporting obligation and instructions.

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**Key issue 3:** The term “instruction” in relation to VTS provider giving direction to masters needs clarification and a definition is needed to relate it to the purpose of a VTS as detailed in the revised IMO Guidelines.

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**Response:** Paragraph 3.3.2 of the revised Guidelines requires VTS providers to issue instructions to achieve the purpose mentioned in paragraph 3.1.3. Therefore, there is no need to define the term “instruction”.

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**Key issue 4:** Whether VTS providers intending to conduct recurrent training will need to comply with all requirements for VTS training organisations.

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**Response:** Recurrent training will be conducted in-house by VTS providers with AMSA approval and VTS providers do not need to comply with accredited VTS training organisation requirements.

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**Key issue 5:** If renewal is no longer relevant, should the terms for the issuance of a new certificate be included within Division 4.15.

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**Response:** Section 28 of the current MO64 is removed in entirety as it is identified as unintentional error. The term of a certificate of accreditation is 5 years, therefore, on expiry of the term a new certificate needs to be issued. Renewal of certificate is irrelevant and inapplicable. Division 4 provides all requirements for issuance of a certificate of accreditation and every 5 years a VTS training provider must apply for a new certificate to continue operation under MO64

## 4. Further Information

AMSA has developed related policy, guidelines, and other necessary reference materials to support the implementation of the reissued MO64. Please visit AMSA’s website [here](#).

If you require further information, please contact [AMSA Connect](#).