



Australian Government

Australian Maritime Safety Authority

VTS Compliance and Enforcement Framework

Version 2 – 1 July 2022

Purpose

This document outlines the compliance and enforcement framework with respect to violations of VTS regulatory requirements under the Navigation Act and Marine Order 64 for participating ships to provide reports or information required by a VTS provider and to comply with their instructions.

Specifically, it describes the respective compliance and enforcement responsibilities of AMSA and VTS providers.

The framework aligns with AMSA's compliance and enforcement policy that describes how compliance and enforcement powers provided by maritime legislation may be used to achieve the objectives of that legislation. A copy is at [AMSAs corporate publications](#).

Regulatory Framework

Australia is signatory to the International Convention for the Safety of Life at Sea 1974 (SOLAS). In accordance with Regulation 12 of Chapter V of SOLAS, Australia has undertaken to establish vessel traffic services where the volume of traffic or the degree of risk justifies such services. In doing so, Australia (and AMSA) is required to follow the VTS Guidelines developed by the International Maritime Organization (IMO), in IMO Resolution A.1158(32) (the Guidelines).

Section 3 (Purpose of Vessel Traffic Services) of the Guidelines states, amongst other things:

The purpose of VTS is to contribute to the safety of life at sea, improve the safety and efficiency of navigation and support the protection of the environment within a VTS area by mitigating the development of unsafe situations through:

- ▶ *providing timely and relevant information on factors that may influence ship movements and assist onboard decision-making.*
- ▶ *monitoring and managing ship traffic to ensure the safety and efficiency of ship movements.*
- ▶ *responding to developing unsafe situations.*

To achieve their purpose, VTS should provide information or issue advice, warnings and instructions, as deemed necessary.

Further, Section 5 (Vessel Traffic Services Responsibilities) of the Guidelines states the competent authority should:

establish a regulatory framework for establishing and operating VTS in accordance with relevant international conventions and IMO instruments, IALA standards and national law (5.2.1), and

establish a compliance and enforcement framework with respect to violations of VTS regulatory requirements (5.2.4).

Australia has implemented its obligations under SOLAS in the *Navigation Act 2012* (the Act), which enables regulations to be made for VTS. Marine Order 64 (Vessel traffic services) establishes AMSA as the competent authority for VTS and makes provision for the regulation of:

- ▶ VTS providers, including authorisation, certification, and auditing
- ▶ VTS training organisations, including accreditation, approval of model courses and auditing
- ▶ Masters of ships, to provide the reports or information required by a VTS provider and to comply with their instructions.

- ▶ Marine Order 64 states that it is a condition of authorisation that a VTS provider operates in accordance with the Guidelines.

For the purposes of VTS compliance and enforcement, the following figure describes the roles and responsibilities of AMSA, as the competent authority, and VTS providers:

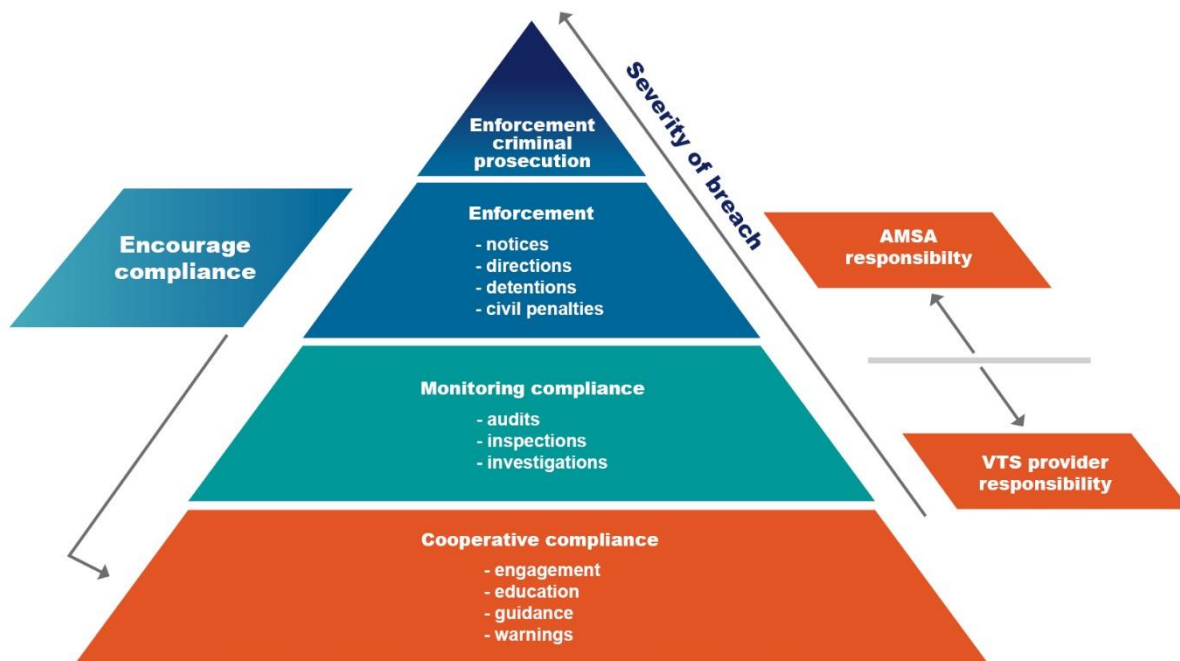


Figure 1: AMSA compliance and enforcement options

VTS provider

VTS providers are responsible for undertaking cooperative compliance within their VTS area/s, noting that they:

- ▶ have a detailed knowledge of the VTS reporting requirements, procedures to be followed and the requirements of allied services within their area.
- ▶ promulgate information regarding requirements and procedures of VTS and the categories of ships required to participate in appropriate nautical publications. For example, in nautical charts, user guides, handbooks, the admiralty list of radio signals (ALRS).
- ▶ have detailed information readily available about any event or incident, for example traffic image, identity of ship or voice recording.
- ▶ have the capacity to interact immediately with ships and allied services within the VTS area, for example via VHF radio.

Cooperative compliance

VTS providers are responsible for engaging, educating, and assisting mariners to meet their VTS obligations, including:

- ▶ the provision of reports or information required by the VTS;
- ▶ taking into account the information provided, or advice and warnings issued, by VTS; and
- ▶ complying with the requirements and instructions given to the ship by VTS.

This may include:

- ▶ providing general and targeted publications about the regulatory requirements for participating ships through, for example, user guides, handbooks, ALRS, websites and engaging allied services.
- ▶ using educational campaigns to inform, guide and encourage voluntary compliance.
- ▶ VHF voice communications to:
 - clarify VTS related questions.
 - inform the master of their obligation to report, and where appropriate, comply with instructions.
 - raise awareness of the potential consequences of non-compliance.

VTS Voice communications regarding potential compliance issues should conform with IALA *Guideline G1132 VTS Voice Communications and Phraseology* and use standard message structure and phrases to:

- ▶ Facilitate clear, concise, and unambiguous communications that are timely and effective.
- ▶ Minimise misunderstanding of the intent of messages and reduce the time required for effective communication.

EXAMPLE - Speed limit

INFORMATION. Speed limit (6 knots) in Fairway X

INSTRUCTION. Reduce speed to 6 knots.

ADVICE. Failure to comply with an instruction may result in enforcement action.
Significant penalties apply.

EXAMPLE – Restricted Area

WARNING. There is a restricted area south of you distance 1.2 nautical miles.

INSTRUCTION. Do not enter restricted area.

Initiating compliance and enforcement action

Where a VTS provider considers a ship is not responding to warnings and is demonstrating unacceptable behaviour they should report the matter to AMSA for possible compliance and enforcement action using the 'Alleged VTS non-compliance report' (Form: www.amsa.gov.au/amsa1618).

To assist AMSA in determining the appropriate investigation or prosecution process, supporting information should accompany the completed form. For example, a chartlet, voice recording and other relevant details including how long the ship may be in port, and its next port of call.

If the VTS provider considers the situation to be urgent, they should contact AMSA's Response Centre on 1800 641 792.

Monitoring compliance trends

VTS providers are to maintain a register and records of all warnings issued— verbal and written. This may include voice wave files, transcripts, and other types of correspondence.

The type of information recorded should at least include:

- ▶ issue date of the warning
- ▶ ship details—ship name and IMO number
- ▶ particulars of the event or incident

VTS providers should also monitor compliance trends and adjust their co-operative compliance strategy accordingly. At times, this may require a focused campaign to validate emerging threats and risks to the VTS area.

AMSA

AMSA's is responsible, upon receipt of an 'Alleged VTS non-compliance report' (Form: www.amsa.gov.au/amsa1618) for:

- ▶ assessing the type of enforcement action to be taken on a case-by-case basis, and in a manner consistent with AMSA's compliance and enforcement policy.
- ▶ implementing all VTS related enforcement action under the Act, including detention, civil penalty, and prosecution.
- ▶ providing feedback to VTS providers about compliance actions taken, including the reasons for decisions and outcomes.

VTS offence provisions

VTS offence provisions under the Act and Marine Order 64 include:

Navigation Act 2012	Fault based offence	Civil penalty
<p>Section 215 - Provision of reports to a VTS authority[#]</p> <p>When a person is required by regulations to provide a report or information to a VTS authority, and they do not provide the report or information.</p>	240 penalty units*	2400 penalty units*
<p>Section 216 - Provision of false or misleading information provided to a VTS authority[#]</p> <p>When a person provides a report or information to a VTS authority and the report or information is false or misleading in material particular.</p>	240 penalty units*	2400 penalty units*
Marine Order 64 (Vessel traffic services)	Fault based offence	Civil penalty
<p>Section 22 - Obligations for masters (strict liability offence)</p> <p>A master commits an offence if the master:</p> <ul style="list-style-type: none"> • receives an instruction from a VTS provider for the movement of the vessel; and • does not obey the instruction. 	50 penalty units*	50 penalty units*

Note:

VTS Provider in Marine Order 64 has the same meaning as VTS Authority in Section 14 of the Navigation Act.

* In 2022, one penalty unit equals \$222.

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