

# AMSA REGULATORY CONSULTATION

**Draft Marine Order 64 (Vessel traffic services) 2022 is open for consultation until 3 April 2022**

We invite you to make comment on this draft Marine Order 64 (Vessel traffic services) 2022 by using the following link:

[Have your say—make a submission](#)

## Who does this Order apply to?

Marine Order 64 (MO64) provides for the authorisation of Vessel traffic service (VTS) providers and accreditation of VTS training organisations by AMSA. MO64 also mandates reporting requirements for masters of regulated Australian vessels, domestic commercial vessels, recreational vessels, and foreign vessels to VTS providers.

## Background

VTS world-wide contribute to the safety of life at sea, the safety and efficiency of navigation and the protection of the marine environment, by co-ordinating vessel traffic movements and providing safety information to ships in VTS areas. Regulation 12 of chapter V of the SOLAS Convention provides for contracting governments to establish VTS where traffic volume or risks justify it. Reference is made within SOLAS regulation V/12 to the IMO *Guidelines for Vessel traffic services* (Resolution A.857(20)). The guidelines describe the principles and general provisions for the operation of a VTS, the obligations of participating vessels, the roles, and responsibilities of contracting governments competent authorities and VTS providers, and qualifications and training of VTS providers.

Since the entry into force of the resolution nearly twenty-five years ago, various organisational, operational, and technological developments have taken place globally. These changes have rendered important parts of resolution A.857(20) ambiguous and open to interpretation. This prompted a revision of the *Guidelines for Vessel traffic services* at IMO. The 32<sup>nd</sup> session of the IMO Assembly adopted resolution A.1158(32) in December 2021 that contains the revised *Guidelines for vessel traffic services*.

## What are the key changes?

Marine Order 64 (Vessel traffic services) 2013 will be reissued with all necessary updates to align with the revised *Guidelines for vessel traffic services* contained in IMO Assembly resolution A.1158(32), including references to relevant International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) standards as applicable. Requirements for the establishment of VTS providers and how they operate will be updated as necessary.

Opportunity has also been taken to clarify some important requirements, make the order consistent with the modern drafting style and make necessary editorial changes.

The main changes are:

- To align with the provisions of the revised IMO *Guidelines for Vessel traffic services*:
  - all references to ‘VTS services’ (Information Service, Traffic Organisation Service and Navigational Assistance Service) have been removed
  - references to IALA standards have been added, specifically in relation to the establishment and operation of VTS
  - 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.

## Commencement

It is intended that the Marine Order 64 (Vessel traffic services) 2022 will commence on **1 July 2022**.

All changes are yellow highlighted and deleted texts from the current MO64 are shown as ~~strike through~~.

<b>Marine Order 64 (Vessel traffic services) 2013</b> MO 64 issue-130723Z	<b>Draft Marine Order 64 (Vessel traffic services) 2022</b> MO 64 issue 220209B	<b>Notes on changes</b> All changes are yellow highlighted
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<b>Division 1 Preliminary</b>	<b>Division 1 Preliminary</b>	

<p><b>1 Name of Order</b> This Order is <i>Marine Order 64 (Vessel traffic services) 2013</i>.</p>	<p><b>1 Name of Order</b> This Order is <i>Marine Order 64 (Vessel traffic services) 2022</i>.</p>	<p>Title updated with intended issue year.</p>
<p><b>2 Commencement</b> This Order commences on <del>1 September 2013</del></p>	<p><b>1A Commencement</b> This Order commences on <b>1 July 2022</b>.</p>	<p>Commencement date updated.</p>
	<p><b>1B Repeal of <i>Marine Order 64 (Vessel traffic services) 2013</i></b> <i>Marine Order 64 (Vessel traffic services) 2013</i> is repealed</p>	<p>Added provision for repealing the current MO 64.</p>
<p><b>3 Purpose</b> This Order: (a) provides for vessel traffic services for Australia; and (b) gives effect to Regulation 12 of Chapter V of SOLAS</p>	<p><b>2 Purpose</b> (1) This <b>Marine</b> Order: (a) provides for vessel traffic services for Australia; and (b) gives effect to Regulation 12 of Chapter V of SOLAS.</p>	<p>Added the word “Marine” before the word “Order” throughout.</p>
<p><b>4 Power</b> (1) The following provisions of the Navigation Act provide for this Order to be made: (a) subsection 213(1) which provides for regulations to be made about vessel traffic services; (b) paragraph 340(1)(a) which provides for regulations to be made to give effect to SOLAS; (c) subsection 341(1) which provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations <del>or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations;</del> (d) <del>subsection 342(1) which provides for AMSA to make orders about matters that can be provided for by regulations;</del> (e) <del>subsection 342(4) which provides for Orders to provide for any matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force at a particular time or from time to time.</del> <del>(2) Subsection 339(1) of the Navigation Act also provides a general regulation making power for matters required or permitted to be prescribed by the Navigation Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.</del></p>	<p><b>3 Power</b> (1) The following provisions of the Navigation Act provide for this <b>Marine</b> Order to be made: (a) subsection 213(1) which provides for regulations to be made about vessel traffic services; (b) paragraph 340(1)(a) which provides for regulations to be made to give effect to SOLAS; (c) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations. (2) <b>Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.</b> (3) <b>Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.</b></p>	<p>Power provisions are reworded and updated as appropriate for clarity.</p>

## 5 Definitions

(1) In this Order:

~~**approved** means approved in writing by AMSA.~~

~~**Guidelines for vessel traffic services** means the IMO's *Guidelines for Vessel Traffic Services* adopted by IMO Resolution A.857(20) as in force from time to time.~~

~~*Note* A copy of each IMO resolution that adopts or amends the Guidelines is available on the IMO website at <http://www.imo.org> and on AMSA's website at <http://www.amsa.gov.au>.~~

~~**IALA** means the International Association of Marine Aids to Navigation and Lighthouse Authorities.~~

~~**IALA Guideline No.1014** means *IALA Guideline No.1014 On the Accreditation and Approval Process for VTS Training* as in force from time to time.~~

~~*Note* This Guideline is available from the IALA website at <http://www.iala-aism.org>.~~

~~**IALA Recommendation V-103** means *IALA Recommendation V-103 On Standards for Training and Certification of VTS Personnel* as in force from time to time.~~

~~*Note* This Recommendation is available from the IALA website at <http://www.iala-aism.org>.~~

~~**vessel traffic service operator** (or **VTSO**) means a person who performs tasks contributing to the operation of vessel traffic services.~~

~~**VTS area**, for a VTS authority, means a geographical area for which AMSA has authorised the VTS authority to provide a vessel traffic service.~~

~~*Note* For a list of VTS areas — see the AMSA website at <http://www.amsa.gov.au>.~~

~~**VTS authority** has the same meaning as **vessel traffic service authority** in section 14 of the Navigation Act.~~

~~**VTS service** means an information service, a navigational assistance service or a traffic organisation service.~~

~~**VTS training course** means a course of training in the tasks carried out by VTS operators that meets the requirements of IALA Recommendation V-103.~~

~~**VTS training organisation** means a person that is accredited under section 23.~~

## 4 Definitions and interpretation

(1) In this Marine Order:

**certificate of accreditation** means a certificate of accreditation issued under section 14.

**IALA** means the International Association of Marine Aids to Navigation and Lighthouse Authorities.

**IALA Standard 1010** means *IALA Standard S1010 Marine Aids to Navigation Planning and Service Requirements*, as amended from time to time.

**IALA Standard 1040** means *IALA Standard S1040 Vessel Traffic Services*, as amended from time to time.

**IALA Standard 1050** means *IALA Standard S1050 Training and Certification*, as amended from time to time.

**IALA Standard 1070** means *IALA Standard S1070 Information Services*, as amended from time to time.

**instrument of authority** means an instrument of authority issued under section 6.

**Marine Order 1** means *Marine Order 1 (Administration) 2013*.

**registered training organisation** means a training organisation registered by any of the following:

- (a) the Australian Skills Quality Authority;
- (b) the Victorian Registration and Qualifications Authority;
- (c) the Training Accreditation Council, Western Australia.

**the Guidelines** means *Guidelines for Vessel Traffic Services* adopted by IMO Resolution A.1158(32) and as amended from time to time.

**VTS area** means the geographical area for which a VTS provider is authorised by AMSA to provide a vessel traffic service.

*Note* For a list of VTS areas — see the AMSA website at <http://www.amsa.gov.au>.

**VTS provider** has the same meaning as **vessel traffic service authority** in section 14 of the Navigation Act.

**VTS training organisation** means an organisation that has been issued a certificate of accreditation by AMSA under section 14.

*Note 1* Some terms used in this Order are defined in Marine Order 1, including:

- IMO
- Navigation Act
- SOLAS.

Some new definitions added as necessary.

Some definitions modified for either technical reason or better drafting purpose.

Some definitions removed as these are not mentioned anymore in the draft MO64.

Marine Order 1 is defined here so that it can be used throughout.

IMO resolution A.857(20) is replaced with A.1158(32).

VTS authority is replaced with VTS provider throughout as the new Assembly resolution changed the term.

<p><i>Note 1</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2011</i>, including:</p> <ul style="list-style-type: none"> <li>• AMSA Act</li> <li>• IMO</li> <li>• Navigation Act</li> <li>• SOLAS.</li> </ul> <p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <li>• AMSA</li> <li>• vessel traffic service</li> <li>• vessel traffic service authority.</li> </ul> <p><i>Note 3</i> There is information on obtaining copies of IMO resolutions and documents mentioned in this Order on AMSA's website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p> <p>(2) For the definition of <b>competent authority</b> in section 1.1.2 of the <i>Guidelines for vessel traffic services</i> and in section 1.3 of <i>IALA Recommendation V 103</i>, the competent authority for Australia is AMSA.</p> <p>(3) For the definition of <b>VTS area</b>, AMSA may declare a geographical area to be a VTS area.</p> <p><i>Note</i> A declaration may be made in an instrument of authority for the provision of a vessel traffic service in a VTS area.</p>	<p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <li>• AMSA</li> <li>• vessel traffic service</li> <li>• vessel traffic service authority.</li> </ul> <p><i>Note 3</i> For delegation of AMSA's powers under this Order — see the AMSA website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p> <p><i>Note 4</i> Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Marine Order is available from the AMSA website Marine Orders link at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p> <p>(2) The <b>competent authority</b> for the Guidelines is AMSA.</p>	
<p><b>6 Application</b></p> <p>This Order applies to:</p> <p>(a) each of the following entities:</p> <p>(i) an entity that applies to AMSA for authorisation to provide a vessel traffic service;</p> <p>(ii) a VTS authority;</p> <p>(iii) an entity that applies to AMSA for accreditation as a VTS training organisation;</p> <p>(iv) a VTS training organisation; and</p> <p>(b) the masters of each of the following vessels:</p> <p>(i) a regulated Australian vessel;</p> <p>(ii) a foreign vessel;</p> <p>(iii) a domestic commercial vessel;</p> <p>(iv) a recreational vessel; and</p> <p>(c) vessel traffic service operators.</p>		<p>Application provision removed as it is complex and unnecessary. Application to VTS providers and VTS training providers is self-explanatory in the relevant provisions.</p> <p>A Note under section 22 clarifies application to masters of different types of vessels.</p>

<p><b>7 Decision-makers</b></p> <p>(1) This section applies to an application for any matter that this Order provides is a matter for which an application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</p> <p>(2) The decision maker for the application is the person holding or occupying an office in AMSA to which the power to make a decision on the application has been delegated.</p> <p>(3) The process set out in <i>Marine Order 1 (Administration) 2011</i> is varied as it applies to the application so that the person who reviews a reviewable decision is the person holding or occupying an office in AMSA to which the power to review the reviewable decision has been delegated.</p>		<p>Decision maker is covered in Marine Order 1 and no need to repeat here.</p>
<p><b>Division 2 Authorisation of VTS authorities</b></p>	<p><b>Division 2 Authorisation of VTS providers</b></p>	
<p><b>8 Application for authorisation</b></p> <p>(1) An entity may apply to AMSA for authorisation to provide a vessel traffic service for a VTS area.</p> <p>(2) The application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</p> <p><i>Note: Marine Order 1 (Administration) 2011</i> requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</p> <p>(3) The supporting statement in the application must:</p> <p>(a) propose a geographical area to be the VTS area; and</p> <p>(b) state the VTS services to be provided by the applicant; and</p> <p>(c) state how the provision of a vessel traffic service in the proposed geographical area will meet the objectives of improving the safety and efficiency of vessel traffic and protecting the environment; and</p> <p>(d) propose objectives for the vessel traffic service to be provided that are consistent with the objectives mentioned in paragraph (c); and</p>	<p><b>5 Application for instrument of authority</b></p> <p>(1) A person may apply to AMSA for an instrument of authority, authorising the applicant to provide a vessel traffic service as a VTS provider.</p> <p>(2) The application must be in accordance with Marine Order 1.</p> <p><i>Note</i> Division 3 of Marine Order 1 provides some general rules about the making and determination of various kinds of applications. It provides that if a form is approved for the application, the approved form must be used. An approved form for the application for an instrument of authority is available on the AMSA website at: <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a></p> <p>(3) The application must:</p> <p>(a) set out the proposed VTS area; and</p> <p>(b) describe the operational objectives for the proposed vessel traffic service and indicate how those objectives will contribute to the safety and efficiency of ship traffic and the protection of the environment; and</p> <p>(c) state how the applicant will meet the responsibilities of a VTS provider that are mentioned in paragraph 5.3 of the Guidelines; and</p> <p>(d) provide any document required in the approved form.</p>	<p>The whole division is restructured with some modified headings for some sections as more appropriate".</p> <p>Updated as appropriate and necessary in accordance with the new Assembly resolution.</p> <p>Updated the reference to Marine Order 1 to specify where in the order provision is made. This is done throughout.</p>

<p>(e) state how the applicant considers it can meet the responsibilities of a VTS authority that are mentioned in the <i>Guidelines for vessel traffic services</i>.</p> <p><i>Note for paragraph (b)</i> For further information about the 3 kinds of VTS services that may be provided—see subsection 2.3 of the <i>Guidelines for vessel traffic services</i>.</p> <p><i>Note for paragraph (c)</i> See subsection 2.1 (Objectives) of the <i>Guidelines for vessel traffic services</i> and the definition of <b>vessel traffic service</b> in section 14 of the Navigation Act for the reason for these objectives.</p> <p><i>Note</i> For further guidance about the content of the supporting statement—see IALA Recommendation V-103 at the IALA website at <a href="http://www.iala-aism.org">http://www.iala-aism.org</a> and the AMSA website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p>		
<p><b>9 Criteria for authorisation</b></p> <p>The criteria for authorisation to provide a vessel traffic service for a VTS area are that the decision maker is satisfied that:</p> <p>(a) there needs to be a vessel traffic service for the VTS area; and</p> <p>(b) the applicant can meet the responsibilities of a VTS authority that are mentioned in the <i>Guidelines for vessel traffic services</i> when operating the vessel traffic service.</p> <p><i>Note</i> AMSA may conduct an audit of the applicant's operations to determine if the applicant can meet the criteria mentioned in paragraph (b)—see subsection 18(1)</p>	<p><b>6 Issue of instrument of authority</b></p> <p>AMSA may issue an instrument of authority if AMSA is satisfied that:</p> <p>(a) there needs to be a vessel traffic service for the proposed VTS area; and</p> <p>(b) the applicant can meet the responsibilities of a VTS provider that are mentioned in paragraph 5.3 of the Guidelines; and</p> <p>(c) the applicant can meet the responsibilities of a VTS provider that are mentioned in the normative provisions of IALA Standards 1010, 1040, 1050 and 1070.</p> <p><i>Note 1</i> AMSA may conduct an audit of the applicant's operations to assess whether the applicant can meet the requirements of paragraphs (b) and (c)—see subsection 12(1).</p> <p><i>Note 2</i> The normative provisions of the IALA Standards mentioned in paragraph (c) are the provisions that must be adopted by a member state to achieve compliance with the standard.</p> <p><i>Note 3</i> Sections 17 and 18 of Marine Order 1 provide for the review of decisions that are made in accordance with the application process in that Order.</p>	<p>Re-drafted as more appropriate and captured IALA standards for compliance of the VTS providers.</p>
<p><b>10 Instrument of authority</b></p> <p>(1) If AMSA decides to authorise the applicant to provide a vessel traffic service for a VTS area it must give the applicant an instrument of authority.</p> <p>(2) AMSA must mention in the instrument of authority:</p> <p>(a) the objectives for the vessel traffic service; and</p> <p>(b) each condition with which the applicant must comply.</p>	<p><b>7 Conditions — instrument of authority</b></p> <p>(1) A VTS provider must:</p> <p>(a) operate in accordance with the Guidelines; and</p> <p>(b) operate the vessel traffic service within any VTS area set out in the instrument of authority; and</p> <p>(c) establish and operate the vessel traffic service in accordance with the normative provisions of IALA Standards 1010, 1040, 1050 and 1070; and</p>	<p>Updated section 11 of the current MO64 as necessary, including updating conditions to include compliance with IALA standards. Audit by AMSA moved from section 19 of the current MO64 and brought here</p>

<p>(3) <del>The issue of an instrument of authority is taken to be a decision to approve an application for subsection 16.1 of <i>Marine Order 1 (Administration) 2011.</i></del></p>	<p>(d) if it is the subject of an audit — comply with a reasonable request made by AMSA during the conduct of the audit.</p> <p>(2) AMSA may impose further conditions on the instrument of authority.</p>	<p>as a condition, as more appropriate.</p>
<p><b>11 Conditions on authorisation</b></p> <p>(1) A VTS authority must operate in accordance with the <i>Guidelines for vessel traffic services.</i></p> <p>(2) AMSA may impose further conditions with which the VTS authority must comply.</p>	<p><b>8 Form of instrument of authority</b></p> <p>An instrument of authority must include the following:</p> <p>(a) the name of the VTS provider;</p> <p>(b) a description of the VTS area;</p> <p>(c) the operational objectives of the vessel traffic service to be provided;</p> <p>(d) the conditions that attach to the instrument of authority.</p>	<p>Section 10 of the current MO64 re-written with more appropriate heading and made simpler for clarity.</p>
<p><b>12 Term of authorisation</b></p> <p>(1) An authorisation:</p> <p>(a) <del>comes into force</del> on the day the instrument of authority is issued; and</p> <p>(b) expires at the earlier of:</p> <p>(i) 5 years after the day the instrument of authority is issued; or</p> <p>(ii) when it is cancelled.</p> <p>(2) If an authorisation is suspended, it is not in force during the period of suspension.</p>	<p><b>9 Term of instrument of authority</b></p> <p>(1) An instrument of authority:</p> <p>(a) commences on the day it is issued; and</p> <p>(b) expires at the earlier of:</p> <p>(i) 5 years after the day it is issued; or</p> <p>(ii) the day it is cancelled.</p> <p>(2) If an instrument of authority is suspended, it is not in effect during the period of suspension.</p> <p>(3) If a VTS provider intends to continue to provide a vessel traffic service after the expiration of its instrument of authority, the VTS provider must, in order to ensure continuity of the service, apply for a new instrument of authority at least 90 days before the existing instrument of authority expires.</p>	<p>Updated with appropriate drafting and added at least 90 days lead time for applying for a new instrument of authority before it expires. This is the most appropriate location for reminding VTS providers to apply at least 90 days ahead of expiry of the current instrument of authority.</p>
<p><b>13 Amendment of instrument of authority</b></p> <p>(1) AMSA may amend an instrument of authority on <del>application by the VTS authority that holds the instrument or on AMSA's own initiative:</del></p> <p>(a) to change conditions imposed on the authority; or</p> <p>(b) to impose further conditions on the authority; or</p> <p>(c) to change the boundaries of the VTS area; or</p> <p>(d) <del>to change the description of the VTS services to be provided; or</del></p>	<p><b>10 Amendment of instrument of authority</b></p> <p>(1) AMSA may amend an instrument of authority on its own initiative or on application by the VTS provider that holds the instrument:</p> <p>(a) to change conditions imposed on the instrument of authority; or</p> <p>(b) to impose further conditions on the instrument of authority; or</p> <p>(c) to change details in the instrument of authority that are no longer accurate; or</p> <p>(d) to include any other details AMSA considers necessary.</p> <p><i>Note</i> An amendment may be required if, for example, a major non-conformance is identified in an audit.</p>	<p>Rearranged the text to separate provisions related to AMSA initiated and VTS provider initiated amendments, for clarity and to remove any confusion.</p>

<p>(e) to change details in the instrument of authority that are no longer accurate; or</p> <p>(f) to include any other details it considers necessary.</p> <p><i>Note</i> An amendment may be required if, for example, a major non-conformance is identified in an audit.</p> <p><del>(2) An application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</del></p> <p><i>Note</i> <del><i>Marine Order 1 (Administration) 2011</i> requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</del></p> <p><del>(3) The supporting statement in an application must, in addition to setting out the grounds for the application, mention the way the instrument of authority is proposed to be amended.</del></p> <p><del>(4) A decision to amend an instrument of authority on AMSA's own initiative may be made by the decision maker and is a reviewable decision for section 18 of <i>Marine Order 1 (Administration) 2011</i>.</del></p>	<p>(2) AMSA may amend an instrument of authority on application by the VTS provider that holds the instrument:</p> <p>(a) to change the boundary of the VTS area; or</p> <p>(b) to change details in the instrument of authority that are no longer accurate.</p> <p>(3) An application by the VTS provider must</p> <p>(a) be made in accordance with the Marine Order1; and</p> <p>(b) set out the grounds for the application, and</p> <p>(c) describe the proposed amendment.</p> <p>(4) AMSA must give written notice of the proposed amendment, seeking comments within a stated period of less than 90 days, to any person AMSA considers may have an interest in the proposed amendment including, in the case of an amendment initiated by AMSA, the VTS provider.</p> <p>(5) AMSA must consider any comments received.</p> <p>(6) AMSA may amend an instrument of authority only if satisfied that:</p> <p>(a) the amendment is consistent with the safety and efficiency of vessel traffic and protection of the environment; and</p> <p>(b) the VTS provider can continue to meet the responsibilities mentioned in paragraph 5.3 of the Guidelines; and</p> <p>(c) the VTS provider is providing the vessel traffic service in accordance with the applicable normative provisions of IALA Standards 1010, 1040, 1050 and 1070.</p> <p><i>Note</i> The normative provisions of the IALA Standards mentioned in paragraph (c) are the provisions that must be adopted by a member state to achieve compliance with the standard.</p> <p>(7) A decision to amend an instrument of authority on AMSA's own initiative is a reviewable decision for section 17 of Marine Order 1.</p> <p><i>Note</i> Sections 17 and 18 of Marine Order 1 provide for the review of decisions that are made in accordance with the application process in that Marine Order. Those sections will therefore apply to a decision to amend made on application by the VTS provider.</p>	<p>Updated as appropriate and captured compliance with IALA standards.</p> <p>Criteria for amendment and notification of proposed amendments put in one place here to make it easier for end users to follow.</p>
<p><b>14 Criteria for amendment</b></p> <p>The criteria for amendment of an instrument of authority are that the decision maker is satisfied that:</p>		<p>Captured under section 10.</p>

<p>(a) the amendment is consistent with the objectives of improving the safety and efficiency of vessel traffic and protecting the environment; and</p> <p>(b) the applicant can continue to meet the responsibilities of a VTS authority that are mentioned in the <i>Guidelines for vessel traffic services</i> when operating the vessel traffic service.</p>		
<p><b>15 Notification of proposed amendment</b></p> <p>AMSA may amend an instrument of authority on application or on its own initiative only if:</p> <p>(a) AMSA has given written notice of the proposed amendment seeking comments on the proposed amendment within a stated period of less than 90 days to:</p> <p>(i) the VTS authority to which the instrument of authority was issued (unless the VTS authority applied for the amendment); and</p> <p>(ii) each State or Territory agency responsible for maritime safety in the State or Territory where the VTS area mentioned in the instrument of authority is located; and</p> <p>(iii) any other body AMSA considers may have an interest in the proposed amendment; and</p> <p>(b) AMSA has considered any written comments received in response to the proposed amendment.</p>		<p>Captured under section 10.</p>
<p><b>16 Renewal</b></p> <p>(1) AMSA may renew an authorisation on application by the VTS authority to which an instrument of authority is given.</p> <p>(2) The application must be made at least 90 days before the expiry of the instrument.</p> <p>(3) The application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</p> <p><i>Note: Marine Order 1 (Administration) 2011</i> requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</p> <p>(4) AMSA may renew the authorisation only if satisfied that the VTS authority holding the instrument of authority has continued to comply with the conditions to which it is subject.</p>		<p>Instrument of authority has a term of 5 years after which a new instrument of authority will need to be issued. Renewal is not possible and section 16 is deleted in its entirety.</p>

<p><del>Note Conditions imposed on the authorisation must be included in the instrument of authority — see subsection 10(2).</del></p>		
<p><b>17 Suspension or cancellation</b>  (1) AMSA may suspend or cancel an <del>authorisation</del> if it considers that the VTS <del>authority holding</del> the instrument of authority has not complied with:  <del>(a) a condition to which it is subject; or</del>  <del>(b) a reasonable request made by an auditor under section 19.</del>  (2) AMSA may cancel an authorisation if the VTS authority to which the instrument of authority is issued has surrendered it to AMSA for cancellation.  (3) A decision to suspend or cancel an authorisation is a reviewable decision for section <del>18</del> of <i>Marine Order 1 (Administration) 2011</i>.</p>	<p><b>11 Suspension or cancellation of instrument of authority</b>  (1) AMSA may suspend or cancel an instrument of authority if it considers that a condition that applies to the instrument of authority has not been complied with.  (2) AMSA may cancel an instrument of authority if the VTS provider that holds the instrument of authority has given it to AMSA for cancellation.  (3) A decision to suspend or cancel an instrument of authority is a reviewable decision for section 17 of Marine Order 1.</p>	<p>Heading modified as appropriate.  17(1)(b) of the current MO64 removed as it is condition now and covered in 11(1) of the draft.   Re-worded and simplified.</p>
	<p><b>12 VTS provider may conduct recurrent training</b>  (1) A VTS provider may apply to AMSA for approval to conduct recurrent training in accordance with IALA model course V-103/5 Revalidation process for VTS Qualifications and Certification.  (2) The application must be in accordance with Marine Order 1.  (3) AMSA may approve the application if it considers that the VTS provider is capable of conducting the course.  Note: Sections 17 and 18 of Marine Order 1 provide for the review of decisions that are made in accordance with the application process in that Marine Order.</p>	<p>New section to allow VTS providers to conduct recurrent training courses as approved by AMSA for revalidation of VTS qualifications.</p>
<p><b>Division 3 Auditing VTS authorities</b></p>	<p><b>Division 3 Auditing of VTS providers and applicants</b></p>	<p>Modified the heading as appropriate.</p>
<p><b>18 Conduct of audits</b>  (1) <del>Before deciding to authorise a VTS authority, AMSA, or an organisation approved for auditing of VTS authorities, may conduct an audit of the operations of the applicant for authorisation to determine if it meets the criterion mentioned in paragraph 9(b).</del>  <del>(2) AMSA, or an organisation approved for auditing of VTS authorities, may conduct an audit of a VTS authority at any time.</del></p>	<p><b>13 Conduct of audits for vessel traffic services</b>  (1) AMSA may conduct an audit to determine if:  (a) an applicant for an instrument of authority satisfies paragraphs 6(b) and (c); or  (b) a VTS provider is complying with the conditions of the instrument of authority that it holds.  (c) it should approve an application mentioned in section 12; or  (d) a VTS provider approved under section 12 is conducting recurrent training in accordance with eh IALA model course mentioned in subsection 12(1).</p>	<p>Re-drafted and simplified with more clarity.</p>

<p><del>(3) The purpose of an audit of a VTS authority, other than an audit mentioned in subsection (1), is to determine if the authority complies with the conditions to which its authorisation is subject.</del></p> <p><del>(4) An audit may review all aspects of the operation of a VTS authority that are relevant to its provision of a VTS service.</del>  <i>Note</i> AMSA may charge a fee for the conduct of an audit mentioned in this section — see s 47 of the AMSA Act.</p>	<p>(2) An audit may review all aspects of the operation of a VTS provider that are relevant to its provision of a vessel traffic service.  <i>Note</i> AMSA may charge a fee for the conduct of an audit mentioned in this section — see s 47 of the AMSA Act.</p>	
<p><del><b>19 Compliance with auditor's requirements</b></del>  <del>A VTS authority that is the subject of an audit must comply with all reasonable requests made by an auditor for the conduct of the audit.</del></p>		<p>Captured under section 7 of the draft as more appropriate.</p>
<p><b>Division 4 Accreditation of VTS training organisations</b></p>	<p><b>Division 4 Accreditation of VTS training organisations</b></p>	
<p><del><b>20 Application for accreditation</b></del></p> <p><del>(1) A person may apply to AMSA for accreditation as a VTS training organisation.</del></p> <p><del>(2) The application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</del>  <del><i>Note</i> <i>Marine Order 1 (Administration) 2011</i> requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</del></p> <p><del>(3) The supporting statement in the application must:</del></p> <p><del>(a) show that the applicant is a registered training organisation with the Australian Skills Quality Authority or the Tertiary Education Quality and Standards Agency; and</del></p> <p><del>(b) describe each VTS training course the applicant proposes to provide and state the related IALA model course on which it is to be based; and</del></p> <p><del>(c) state how the applicant considers it can meet the responsibilities of a VTS training organisation that are mentioned in <i>IALA Guideline No.1014</i>.</del>  <del><i>Note for paragraph (a)</i> See the website at <a href="http://www.asqa.gov.au">http://www.asqa.gov.au</a> for more information about the Australian Skills Quality Authority.</del></p>	<p><b>14 Application for certificate of accreditation</b></p> <p>(1) A person may apply to AMSA for accreditation as a VTS training organisation.</p> <p>(2) The application must be made in accordance with Marine Order 1.</p> <p><i>Note</i> Division 3 of Marine Order 1 provides some general rules about the making and determination of various kinds of applications. It provides that if a form is approved for the application, the approved form must be used. An approved form for the application for a certificate of accreditation is available on the AMSA website at: <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a></p> <p>(3) The application must:</p> <p>(a) show that the applicant is a registered training organisation; and</p> <p>(b) state which vessel traffic service courses the applicant proposes to provide; and</p> <p>(c) state how the applicant considers it can meet the responsibilities of a VTS training organisation that are mentioned in the normative provisions of IALA Standard 1050.</p> <p><i>Note for paragraph (a)</i> See the website at <a href="http://www.asqa.gov.au">http://www.asqa.gov.au</a> for more information about the Australian Skills Quality Authority.</p> <p><i>Note for paragraph (b)</i> The normative provisions of IALA Standard 1050 are the provisions that must be adopted by a member state to achieve compliance with the standard.</p>	<p>Re-worded as appropriate.</p> <p>Note updated.</p> <p>Registered training organisation is defined under section 4 removing Tertiary Education Quality and Standards Agency as one of the registering authorities and adding Victorian Registration and Qualifications Authority and Training Accreditation Council, Western Australia as appropriate, aligning with current practice.</p> <p>Now that registered training organisation is</p>

<p><del>Note for paragraph (b) Before accrediting an entity as a VTS training organisation AMSA will assess each VTS training course it proposes to provide in accordance with IALA Guideline No.1014.</del></p>		<p>defined, no need to refer to ASQA anymore here.</p> <p>Reference made to high level IALA standards instead of IALA guidelines to make it future proof.</p>
<p><b>21 Criteria for accreditation</b>  <del>The criteria for accreditation as a VTS training organisation are that the decision maker is satisfied that:</del>  <del>(a) the applicant is a registered training organisation with the Australian Skills Quality Authority or the Tertiary Education Quality and Standards Agency; and</del>  <del>(b) the applicant can meet the responsibilities of a VTS training organisation that are mentioned in IALA Guideline No. 1014.</del>  <del>Note 1 AMSA may conduct an audit of the applicant’s operations to determine if the applicant can meet the criteria mentioned in paragraph (b) — see subsection 30(1).</del>  <del>Note 2 The responsibilities mentioned in paragraph (b) include the delivery of approved VTS training courses based on IALA model courses.</del></p>	<p><b>15 Issue of certificate of accreditation</b>  AMSA may accredit the applicant as a VTS training organisation and issue a certificate of accreditation if satisfied that:  (a) the applicant is a registered training organisation; and  (b) the applicant can meet the responsibilities of a VTS training organisation that are mentioned in the normative provisions of IALA Standard 1050.  <del>Note 1</del> AMSA may conduct an audit of the applicant’s operations to assess whether the applicant can meet the requirements of paragraphs (a) and (b) — see subsection 21(1).  <del>Note 2</del> The normative provisions of the IALA Standard mentioned in paragraph (b) are the provisions that must be adopted by a member state to achieve compliance with the standard.  <del>Note 3</del> Sections 17 and 18 of Marine Order 1 provide for the review of decisions that are made in accordance with the application process in that Order.</p>	<p>Heading modified as appropriate.</p> <p>Referred to high level IALA standard instead of guidelines.</p> <p>Notes added for clarification.</p>
<p><b>22 Certificate of accreditation</b>  <del>(1) If AMSA decides to accredit the applicant as a VTS training organisation, it must give the applicant a certificate of accreditation.</del>  <del>(2) AMSA must state in the certificate:</del>  <del>(a) the approved VTS training courses that the VTS training organisation may provide; and</del>  <del>(b) each condition with which the VTS training organisation must comply.</del>  <del>(3) The issue of a certificate of accreditation is taken to be a decision to approve an application for subsection 16.1 of Marine Order 1 (Administration) 2011.</del></p>	<p><b>16 Conditions — certificate of accreditation</b>  (1) A VTS training organisation must:  (a) operate in accordance with the normative provisions of IALA Standard 1050; and  (b) renew annually their registration as a registered training organisation; and  (c) show AMSA annually evidence of the renewals mentioned in paragraph (b); and  (d) if it is the subject of an audit — comply with a reasonable request made by AMSA during the conduct of the audit.  (2) AMSA may impose further conditions on the certificate of accreditation.</p>	<p>Section 23 of the current MO64 updated as necessary.</p>
<p><b>23 Conditions on accreditation</b>  (1) A VTS training organisation must operate in accordance with IALA Guideline No. 1014.</p>	<p><b>17 Form of certificate of accreditation</b>  A certificate of accreditation must include the following:  (a) the name of the VTS training organisation;</p>	<p>Section 22 of the current MO64 captured here with modified heading and texts.</p>

<p>(2) AMSA may impose further conditions with which the VTS training organisation must comply:</p>	<p>(b) the vessel traffic service courses that the VTS training organisation is to provide;</p> <p>(c) the conditions that attach to the certificate of accreditation.</p>	
<p><b>24 Term of accreditation</b>  An accreditation:  (a) <del>comes into force on the day the certificate of accreditation is issued; and</del>  (b) expires at the earlier of:  (i) 5 years after the day <del>the certificate of accreditation is issued; or</del>  (ii) <del>when</del> it is cancelled.</p>	<p><b>18 Term of certificate of accreditation</b>  A certificate of accreditation:  (a) <del>commences</del> on the day <del>it</del> is issued; and  (b) expires at the earlier of:  (i) 5 years after the day <del>it</del> is issued; or  (ii) <del>the day</del> it is cancelled.</p>	<p>Modified heading and made necessary changes as appropriate.</p>
<p><b>25 Amendment of certificate of accreditation</b>  (1) AMSA may amend a certificate of accreditation on application <del>by the VTS training organisation that holds the certificate or on AMSA's own initiative:</del>  (a) to change conditions imposed on the accreditation; or  (b) to impose further conditions on the accreditation; or  (c) to change details in the certificate that are no longer accurate; or  (d) to include any other details <del>it</del> considers necessary.  <i>Note</i> An amendment may be required if, for example, an audit has identified a major nonconformance <del>or the VTS training organisation proposes to provide an approved VTS training course that is not mentioned in the certificate.</del>  (2) An application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.  <i>Note</i> <del>Marine Order 1 (Administration) 2011 requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</del>  <del>(3) The supporting statement in an application must, in addition to setting out the grounds for the application, state the way the certificate of accreditation is proposed to be amended.</del>  <del>(4) A decision to amend a certificate of accreditation on AMSA's own initiative may be made by the decision maker and is a reviewable decision for section 18 of Marine Order 1 (Administration) 2011.</del></p>	<p><b>19 Amendment of certificate of accreditation</b>  (1) AMSA may amend a certificate of accreditation on its own initiative:  (a) to change conditions imposed on the <del>certificate of</del> accreditation; or  (b) to impose further conditions on the <del>certificate of</del> accreditation; or  (c) to change details in the certificate of accreditation that are no longer accurate; or  (d) to include any other details <del>AMSA</del> considers necessary.  <i>Note</i> An amendment may be required if, for example, an audit has identified a major non-conformance.  (2) AMSA may amend a certificate of accreditation, on application by the VTS training organisation that holds the certificate, to change details in the certificate of accreditation that are no longer accurate.  (3) An application by the VTS provider must:  (a) be made in accordance with Marine Order 1; and  (b) set out the grounds for the application; and  (c) describe the proposed amendment.  (4) AMSA must give written notice of the proposed amendment, seeking comments within a stated period of less than 90 days, to any person AMSA considers may have an interest in the proposed amendment including, in the case of an amendment initiated by AMSA, the VTS training organisation.  (5) AMSA must consider any comments received.</p>	<p>Rearranged the text to separate provisions related to AMSA initiated and VTS provider initiated amendments, for clarity and to remove any confusion.</p> <p>Updated as appropriate and captured compliance with IALA standards.</p> <p>Criteria for amendment and notification of proposed amendments put in one place here to make it easier for end users to follow.</p>

	<p>(6) AMSA may amend a certificate of accreditation only if satisfied that:</p> <p>(a) the applicant is a registered training organisation; and</p> <p>(b) the applicant can continue to meet the responsibilities of a VTS training organisation that are mentioned in the normative provisions of IALA Standard 1050.</p> <p>(7) A decision to amend a certificate of accreditation on AMSA's initiative is a reviewable decision for section 17 of Marine Order 1.</p> <p><i>Note</i> Sections 17 and 18 of Marine Order 1 provide for the review of decisions that are made in accordance with the application process in that Marine Order. Those sections will therefore apply to a decision to amend made on application by the VTS training organisation.</p>	
<p><b>26 Criteria for amendment</b></p> <p>The criteria for amendment of a certificate of accreditation are that the decision maker is satisfied that:</p> <p>(a) the applicant is a registered training organisation with the Australian Skills Quality Authority or the Tertiary Education Quality and Standards Agency; and</p> <p>(b) the applicant can meet the responsibilities of a VTS training organisation set out in <i>IALA Guideline No. 1014</i> including the delivery of VTS training courses.</p> <p><i>Note</i> AMSA may conduct an audit of the applicant's operations to determine if the applicant can meet the criteria mentioned in paragraph (b) — see subsection 30(1).</p>		<p>Captured under section 19 of this draft.</p>
<p><b>27 Notification of proposed amendment</b></p> <p>AMSA may amend a certificate of accreditation on application or on its own initiative only if:</p> <p>(a) AMSA has given written notice of the proposed amendment seeking comments on the proposed amendment within a stated period of less than 90 days to:</p> <p>(i) the VTS training organisation to which the certificate of accreditation was issued (unless the VTS training organisation applied for the amendment); and</p> <p>(ii) any other body AMSA considers may have an interest in the proposed amendment; and</p> <p>(b) AMSA has considered any written comments received in response to the proposed amendment.</p>		<p>Captured under section 19 of this draft.</p>

<p><b>28 Renewal</b></p> <p>(1) AMSA may renew an accreditation on application by the VTS training organisation to which the certificate of accreditation is given.</p> <p>(2) The application must be made at least 90 days before the expiry of the certificate.</p> <p>(3) The application must be made in accordance with <i>Marine Order 1 (Administration) 2011</i>.</p> <p><i>Note Marine Order 1 (Administration) 2011</i> requires a supporting statement setting out the grounds for the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.</p> <p>(4) AMSA may renew the accreditation only if satisfied that the VTS training organisation holding the certificate has continued to comply with the conditions to which it is subject.</p> <p><i>Note</i> Conditions imposed on the accreditation must be included in the certificate — see subsection 22(2).</p>		<p>Renewal is not relevant as a new certificate of approval will be issued on expiry of the current one.</p>
<p><b>29 Suspension or cancellation</b></p> <p>(1) AMSA may suspend or cancel an accreditation if it considers that the VTS training organisation holding the certificate of accreditation has not complied with:</p> <p>(a) a condition to which it is subject; or</p> <p>(b) a reasonable request made by an auditor for the conduct of an audit.</p> <p>(2) AMSA may cancel an accreditation if the VTS training organisation to which the certificate of accreditation is issued has surrendered it to AMSA for cancellation.</p> <p>(3) A decision to suspend or cancel an accreditation is a reviewable decision for section 18 of <i>Marine Order 1 (Administration) 2011</i>.</p>	<p><b>20 Suspension or cancellation of certificate of accreditation</b></p> <p>(1) AMSA may suspend or cancel a certificate of accreditation if it considers that a condition that applies to the certificate of accreditation has not been complied with.</p> <p>(2) AMSA may cancel a certificate of accreditation if the VTS training organisation that holds the certificate of accreditation has given it to AMSA for cancellation.</p> <p>(3) A decision to suspend or cancel a certificate of accreditation is a reviewable decision for section 17 of Marine Order 1.</p>	<p>Heading and texts modified for improved drafting.</p>
<p><b>Division 5 Auditing of VTS training organisations</b></p>	<p><b>Division 5 Auditing of VTS training organisations and applicants</b></p>	<p>Modified heading as appropriate.</p>
<p><b>30 Conduct of audits</b></p> <p>(1) Before deciding to accredit a VTS training organisation, AMSA may conduct an audit of the operations of the applicant</p>	<p><b>21 Conduct of audits for VTS training organisations</b></p> <p>(1) AMSA may conduct an audit to determine if:</p> <p>(a) an applicant for a certificate of accreditation satisfies paragraphs 15(a) and (b); or</p>	<p>Modified heading as appropriate and rewritten provisions for simplification.</p>

<p>for accreditation to determine if it meets the criterion mentioned in paragraph 21(b).</p> <p><del>(2) AMSA, or an organisation approved for auditing of VTS training organisations, may conduct an audit of a VTS training organisation at any time.</del></p> <p><del>(3) The purpose of an audit of a VTS training organisation, other than an audit mentioned in subsection (1), is to determine if the organisation complies with the conditions to which its accreditation is subject.</del></p> <p><del>(4) An audit may review all aspects of the operation of a VTS training organisation.</del></p> <p><del>Note AMSA may charge a fee for the conduct of an audit mentioned in this section — see s 47 of the AMSA Act.</del></p>	<p><b>(b) a VTS training organisation is complying with the conditions of the certificate of accreditation that it holds.</b></p> <p>(2) An audit may review all aspects of the operation of a VTS training organisation <b>that are relevant to the delivery of vessel traffic service courses.</b></p> <p><i>Note</i> AMSA may charge a fee for the conduct of an audit mentioned in this section — see s 47 of the AMSA Act.</p>	
<p><b>31 Compliance with auditor's requirements</b></p> <p><del>A VTS training organisation that is the subject of an audit must comply with all reasonable requests made by an auditor for the conduct of the audit.</del></p>		<p>Moved under section 16 as a condition.</p>
<p><b>Division 6 Transitional arrangements</b></p>		<p>Moved under Division 7</p>
<p><b>32 Recognition of previously accredited training organisations</b></p> <p><del>(1) A person to whom a certificate of accreditation to provide training to VTSOs was issued by AMSA before 1 July 2013 is taken to be a VTS training organisation for this Order.</del></p> <p><del>(2) This Order applies as if:</del></p> <p><del>(a) an application was made under subsection 20(1) by the person that is the VTS training organisation; and</del></p> <p><del>(b) the certificate of accreditation held by the person meets the requirements for approval of the application; and</del></p> <p><del>(c) the application was approved by AMSA subject to the condition mentioned in subsection 23(1).</del></p>		<p>Removed as not required anymore</p>
<p><b>Division 7 Other matters</b></p>	<p><b>Division 6 Obligations for masters</b></p>	<p>More appropriate heading</p>
<p><b>33 Masters to provide reports required by VTS authority</b></p> <p><del>The master of a vessel must give to a VTS authority each report or any information the VTS authority requires the master to provide.</del></p>	<p><b>22 Obligations for masters</b></p> <p>(1) For paragraph 213 (2) (e) of the Navigation Act, the master of a vessel must, if requested by a VTS provider, give a report or <b>information about the vessel's identity or passage including a report or information on any of the following matters:</b></p>	<p>Master's obligations clarified as this is a penal provision. Sections 33 and 34 of the current MO64 merged to a single</p>

<p><i>Note 1</i> Information may be required, for example, about the identity, intended passage or geographical location of the vessel.</p> <p><i>Note 2</i> It is an offence not to provide a report or information required by this Order — see section 215 of the Navigation Act.</p>	<p>(a) the vessel’s identity, position and condition;</p> <p>(b) the vessel’s course and speed;</p> <p>(c) the vessel’s attributes, cargo and communication methods;</p> <p>(d) the vessel’s route before entering the VTS area and the time and location of its entry into the VTS area;</p> <p>(e) the vessel’s route or intended route after leaving the VTS area;</p> <p>(f) the time and location or intended time and location of leaving the VTS area;</p> <p>(g) the vessel’s last and next ports of call;</p> <p>(h) conditions of the VTS area relevant to the safety of shipping or pollution of the environment.</p> <p><i>Note</i> Section 215 of the Navigation Act makes it an offence not to comply with a request under this subsection to give a report or information to a VTS authority.</p> <p>(2) A person commits an offence if:</p> <p>(a) the person is the master of a vessel; and</p> <p>(b) the person receives an instruction from a VTS provider for the movement of the vessel; and</p> <p>(c) the person does not obey the instruction.</p> <p>Penalty: 50 penalty units.</p> <p>(3) An offence against subsection (2) is a strict liability offence.</p> <p>(4) A person is liable to a civil penalty if the person contravenes subsection (2).</p> <p>Civil penalty: 50 penalty units.</p> <p><i>Note</i> Part 6 of the Navigation Act deals with vessel traffic services and other matters. Section 212 of the Act applies Part 6 to all vessels including regulated Australian vessels, foreign vessels, domestic commercial vessels and recreational vessels.</p>	<p>section here as more appropriate.</p>
<p><b>34 Masters to comply with instructions of VTS authority</b></p> <p>(1) The master of a vessel must comply with each instruction for the movement of the vessel given to the vessel by a VTS Authority.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p>		

Civil penalty: 50 penalty units.		
	<b>Division 7 Transitional and savings</b>	Division 6 of the current MO renamed as appropriate
	<b>23 Transitional</b> (1) Subsection (2) applies to an application made under <i>Marine Order 64 (Vessel traffic services) 2013</i> if the application: (a) is made before 1 July 2022; and (b) is not decided before 1 July 2022. (2) The application is taken to be an application to which this Marine Order applies.	Transitional provision made consistent with other marine orders.
	<b>24 Savings</b> (1) An instrument of authority that was in effect on 30 June 2022 continues in effect as an instrument of authority under this Marine Order. (2) A certificate of accreditation that was in effect on 30 June 2022 continues in effect as a certificate of approval under this Marine Order	Savings provision made consistent with other marine orders.