



Marine (VTS Standards) Determination 2008

Determination No. 1/2008

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This Determination was made by the Director of
Marine Safety on 14 November 2008.

Brian Riches
Director of Marine Safety



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Under sections 65(h) and 66(1) of the Marine Act 1988, the Director of Marine Safety determines as follows:

PART 1—PRELIMINARY

1. Purposes

The purposes of this Determination are to—

- (a) establish the relevant criteria for identifying those ports to which this Determination applies;
- (b) set out the obligations of relevant duty-holders with respect to the implementation and operation of a VTS; and
- (c) set out the relevant standards with which a VTS in a Victorian port must comply in order to ensure that—
 - (i) VTS implementation and operation is consistent across all ports where a VTS is provided; and
 - (ii) the VTS operating in a Victorian port is compatible with VTS operations elsewhere in the world.

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2. Commencement

This Determination commences on 1 December 2008 or on such later date as may be specified in writing by the Director.

3. Short title

This Determination may be cited as the Marine (VTS Standards) Determination 2008.

4. Non-operative material

In addition to the operative provisions themselves, this Determination contains other material to aid interested parties in their understanding of how the operative provisions work. This material—

- (a) comprises, where relevant—
 - (i) background information;
 - (ii) explanations and additional detail;
 - (iii) notes; and
 - (iv) examples

relating to the operative provisions;
- (b) is for guidance purposes only;
- (c) subject to sub-clause (b), forms part of this Determination but is kept separate from the operative provisions; and
- (d) can be distinguished from the operative provisions of the Determination by the use of one or more of the following devices—
 - (i) shaded text boxes;
 - (ii) a different font; or
 - (iii) a different font size.

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Background to Determination

For centuries shipping has been a major means of transport to support world commerce. There has always been a need for ships to navigate accurately, safely and expeditiously and, to assist in this, many authorities have provided aids to navigation in and around their coastal waters.

Navigational risk

“Risk is essentially a function of the probability of a hazard occurring and the severity of its consequences. It is common sense that the probability of navigational hazard increases with the density and size of ships and with the restrictions of navigable waterway...”¹

As early as 1946, it had been shown that the use of land-based radar stations and VHF communications to help navigation in poor visibility conditions not only increased utilisation of port infrastructure and efficiency of vessel traffic flows, but more importantly, enhanced safety.

Growing awareness and recognition of the benefits of radar-aided traffic management has fostered a co-ordinated global approach that has become known as Vessel Traffic Services (VTS).

What is a Vessel Traffic Service?

The International Maritime Organization (IMO) describes VTS as “*shore-side systems which range from the provision of simple information messages to ships, such as position of other traffic or meteorological hazard warnings, to extensive management of traffic within a port or waterway*”.²

Over recent decades VTS has developed from a shore-based radar system with the aim of enhancing navigation in bad visibility conditions to a modern system using multiple sensors with the objectives of enhancing safety, improving the efficiency of maritime traffic and protecting the marine environment.

The traditional hardware designed to aid navigational safety - lights, buoys, channel markers and the like, in association with the corresponding ship-borne navigational equipment – are being supplemented by a new generation of information-based tools such as VTS, together with technologies such as

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the Automatic Identification System (AIS), the Global Positioning System (GPS), electronic charts, vessel reporting schemes, satellite tracking and others.”³

What does a VTS comprise?

A VTS will generally be established in a port or harbour where the risk to the safety of life, property and the environment arising from the volume of vessel traffic can be effectively addressed by implementing a system which has the capability to interact with the traffic and to detect dangerous situations developing in the VTS area.

The perceived degree of risk is likely to inform the desired level of interaction between the VTS and vessels. The requisite level of interaction in turn determines the scope of the VTS tasks and activities undertaken by the VTS Authority within a given VTS area.

The various VTS tasks and activities undertaken by the VTS Authority are individually classified into four service categories according to the nature and purpose of each discrete VTS task and activity. The four service categories are:

- **Service Category 1** comprising VTS tasks and activities which relate to the provision of information to VTS Users;
- **Service Category 2** comprising VTS tasks and activities which relate to the provision of advice to VTS Users;
- **Service Category 3** comprising VTS tasks and activities which relate to warning VTS Users of danger or the potential of danger; and
- **Service Category 4** comprising VTS tasks and activities which involve giving instructions to VTS Users in the event of an obvious and immediate danger of which the VTS User does not appear to be aware or where a VTS User is in breach of harbour master’s directions.

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The role of IMO and the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) with respect to VTS

Internationally, a framework for the implementation and standardisation of VTS globally has been led primarily by the IMO and IALA.

The VTS standards set out in the schedules to this Determination are based on IMO Assembly Resolution A.857(20) on *Guidelines for Vessel Traffic Services* adopted in November 1997 and relevant recommendations and guidelines issued by IALA, namely:

- IALA *Recommendation on the Implementation of Vessel Traffic Services* (Recommendation V-119) published in September 2000;
- IALA *Recommendation on the Operating Procedures for Vessel Traffic Services* (Recommendation V-127) published in June 2004; and
- IALA *Vessel Traffic Services Manual* (VTS Manual) 2008

Reconciling VTS in Victorian ports with international guidelines and recommendations

The guidelines and recommendations promulgated by IMO and IALA refer to VTS being comprised of one or more of three "Service Levels", namely:

- an Information Service;
- a Traffic Organisation Service; and
- a Navigational Assistance Service.

This international conceptualisation of VTS views these three "Service Levels" being comprised of particular "Services", provided by the VTS Authority and directed towards achieving the objectives of the VTS.

This IMO/IALA "Service/Service Level" conceptualisation of VTS can be reconciled with the "Service Category" approach adopted for the purposes of this Determination as follows:

1. IMO and IALA guidelines and recommendations note that a VTS Authority operating its VTS at a particular

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"Service Level" will provide one or more related "Services" comprising that "service Level" to VTS Users;

2. Implicit in the provision of "Services" is the fact that the VTS Authority must be willing and able to undertake one or more discrete VTS tasks and activities, in order to provide each "Service" to VTS Users;
3. The operation, for example, of an "Information Service" would therefore require the VTS Authority to be willing and able to undertake one or more discrete VTS tasks and activities;
4. For the purposes of this Determination, a VTS Authority must classify each discrete VTS task and activity that it is willing and able to undertake as belonging to one of four "Service Categories" (as defined in the Determination);
5. In Victorian ports to which this Determination applies, the totality of the discrete VTS tasks and activities that the VTS Authority is willing and able to undertake - AND which the VTS Authority has classified as comprising Service Categories 1, 2 or 3 - are the equivalent of an "Information Service" in international parlance.
6. Similarly, in Victorian ports to which this Determination applies, the totality of the discrete VTS tasks and activities that the VTS Authority is willing and able to undertake - AND which the VTS Authority has classified as comprising Service Category 4 - are the equivalent of a "Traffic Organisation Service" in international parlance.

(However, it should be noted that a "Navigational Assistance Service" would involve additional procedures to give specific assistance to a vessel during transit in specific conditions and are beyond the scope of this Determination at this time.)

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Simplified outline of this Determination

This Determination has two main components:

- Part 2 identifies the relevant duty-holders to whom this Determination applies and sets out the scope of duty-holder obligations with respect to the implementation, operation and oversight of VTS in relevant Victorian port waters (*in other words, Part 2 sets out WHAT must be done and WHO must do it*); and
- The Schedules set out the standards to which the operation of VTS by relevant duty-holders must conform (*in other words, the Schedules set out HOW the obligations and responsibilities identified in Part 2 must, or should, be carried out*)

Director's statutory function to determine and enforce VTS standards

The Director's statutory power to determine and enforce VTS standards can be sourced to sections 65 and 66 of the *Marine Act 1988*.

Section 65 of the Act gives the Director certain specific functions. The relevant functions with respect to determining and enforcing VTS standards are:

s65(h) to determine and enforce standards and procedures for navigation and maritime safety on State waters.

Section 66 of the Act sets out the Director's powers. Section 66(1) and (2) provide:

s66(1) The Director may do all things that are necessary or convenient to enable him or her to carry out his or her functions, including, but not limited to, the powers specified in Schedule 4.

s66(2) Despite sub-section (1), the Director must not exercise any of his or her powers in a way that is inconsistent with the regulations.

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(Schedule 4 to the Act is headed *“Particular Powers of the Director”* and is specifically referenced to section 66. However, in this instance, none of the items in the schedule have direct application to VTS.)

5. Definitions

In this Determination—

“allied services” means services actively involved in the safe and efficient passage of a vessel through the VTS area, but does not include—

- (a) a pilotage services provider; or
- (b) a pilot.

Allied services may include, for example:

tugs;
linesboats;
shipping agents;
stevedores;
mooring gangs;
terminal operators

however, pilotage services are specifically excluded from the definition.

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"channel operator" has the same meaning as in the **Port Services Act 1995**;

As at the date of this version of the Determination—

Section 3 of the Port Services Act provides:

"channel operator" means

- (a) in the case of port of Melbourne waters, the Port of Melbourne Corporation;
- (b) in the case of any other port waters, a person who manages channels in those waters under an agreement with [the Victorian Regional Channels Authority] VRCA.

"Director" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"Director" means the Director of Marine Safety Victoria referred to in section 63 [of the Marine Act].

"duty-holder" means an entity having statutory responsibilities for ensuring safe, effective and efficient navigation and other movement of vessels in port waters;

As at the date of this version of the Determination—

Port of Melbourne Corporation

Section 13(1) of the Port Services Act provides that the Port of Melbourne

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Corporation (PoMC) is responsible for ensuring certain functions (“PoMC’s section 13 functions”) are carried out in relation to port of Melbourne waters.

One of PoMC’s section 13 functions, amongst other things, is—

s13(1)(gc) generally, to direct and control, in accordance with the Marine Act, the movement of vessels in port of Melbourne waters.

Furthermore, section 13(2) of the Port Services Act requires PoMC to carry out its section 13 functions in a manner that—

- (a) is safe and secure; and;
- (b) is environmentally sustainable; and;
- (c) is effective and efficient...

Victorian Regional Channels Authority

Sections 21(1) and 21(3) of the Port Services Act provide that the Victorian Regional Channels Authority (VRCA) is responsible for ensuring certain functions (“VRCA’s section 21 functions”) are carried out in relation to port waters (excluding the port of Melbourne) and channels in port waters in commercial trading ports (excluding the port of Melbourne).

One of VRCA’s section 21 functions, amongst other things, is generally, to direct and control, in accordance with the Marine Act, the movement of vessels in port waters and channels in port waters in commercial trading ports other than port of Melbourne waters and channels in port of Melbourne waters (s21(1)(c)).

Furthermore, section 21(7) of the Port Services Act requires VRCA to carry out its section 21 functions in a manner that—

- (a) is safe and secure; and;

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- (b) is environmentally sustainable; and;
- (c) is effective and efficient...

Local Port Managers

Section 44A(3)(a) of the Port Services Act provides that the port manager of a local port has a statutory function (among others things) to manage the operation of the relevant local port(s), particularly with respect to shipping and boating activities in the port, with a view to ensuring that those operations are carried out safely, efficiently and effectively.

"harbour master" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"harbour master" includes any person authorised under section 26B [of the Marine Act] to exercise any of the functions of the harbour master, if the person so authorised is acting in accordance with the authorisation.

"harbour master's direction" means a written or oral direction given by a harbour master in accordance with the **Marine Act 1988**;

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"harbour master licence" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"harbour master licence" means a licence issued by the Director under section 26HD [of the Marine Act].

"IALA" means International Association of Marine Aids to Navigation and Lighthouse Authorities;

"IMO" means International Maritime Organization;

"licensed harbour master" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"licensed harbour master" means a person who is the holder of a harbour master licence.

"local port" has the same meaning as in the **Port Services Act 1995**;

As at the date of this version of the Determination—

Section 3 of the Port Services Act provides:

"local port" means a port declared to be a local port by Order in Council under section 6 [of the Port Services Act].

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"local port manager" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"local port manager" means, in relation to a local port, the person or body appointed under section 44A of the Port Services Act 1995 as the port manager of that port.

"master" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"master", in relation to a vessel, means a person (other than a person who is acting as the pilot of that vessel) having command or charge of the vessel.

"MTOFS Legislation" means the Maritime Transport and Offshore Facilities Security Act 2003 of the Commonwealth and any applicable subordinate legislation, statutory instruments or Notices given or made under that Act;

"pilot" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"pilot" means a person who is licensed as a pilot under the regulations.

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"pilotage services provider" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"pilotage services provider" means a person registered by the Director under Part 3B [of the Marine Act] to provide pilotage services.

"port" has the same meaning as in the **Port Services Act 1995**;

As at the date of this version of the Determination—

Section 3 of the Port Services Act provides:

"port" means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 (of the Port Services Act 1995) in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 (of the Port Services Act 1995).

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"port manager" has the same meaning as in the **Port Services Act 1995**;

As at the date of this version of the Determination—

Section 3 of the Port Services Act provides:

"port manager" means

- (a) in the case of a commercial trading port, the person or body who effectively manages, superintends or controls the operation of the port or part of the port, but does not include a tenant or occupier of part of the port unless the tenant or occupier has entered into a port management agreement to manage the operations of that part of the port; or
- (b) in the case of a local port, the person or body appointed under section 44A [of the Port Services Act] to be the port manager of the port.

"port of Melbourne waters" has the same meaning as in the **Port Services Act 1995**;

As at the date of this version of the Determination—

Section 3 of the Port Services Act provides:

"port of Melbourne waters" means any waters which by Order in Council made under section 5(2) are declared to be port waters of the port of Melbourne.

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"port waters" has the same meaning as in the
Port Services Act 1995;

*As at the date of this version of the
Determination—*

Section 3 of the Port Services Act provides:

"local port", means a port declared to be a local port by Order in Council under section 6 (of the Port Services Act);

"port waters", in relation to a port, means the waters declared by Order in Council under section 5(2) (of the Port Services Act) to be port waters of the port.

In addition, section 183(1) of the Port Services Act is a savings provision which deems (amongst other things) any waters of a port that had previously been declared to be a "designated port" to be "waters of a local port" for the purposes of the Port Services Act.

- there are 4 commercial trading ports (Melbourne, Geelong, Hastings and Portland). No other ports have been declared to be commercial trading ports under the Port Services Act;
- there are 13 local ports (Mallacoota, Snowy River, Gippsland Lakes, Corner Inlet & Port Albert, Anderson Inlet, Western Port, Port Phillip, Barwon Heads, Lorne, Apollo Bay, Port Campbell, Warrnambool and Port Fairy). No other ports have been declared to be local ports under the Port Services Act 1995.

The waters of Victoria's 4 commercial trading ports and 13 local ports are **"port waters"** for the purposes of both the Port Services Act and the Marine Act.

"regulations" means the **Marine Regulations 1999;**

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"service category" means—

- (a) Service Category 1; or
- (b) Service Category 2; or
- (c) Service Category 3; or
- (d) Service Category 4;

Operating the VTS requires a VTS Authority to undertake a number of discrete tasks and activities, independently or in combination, to achieve one or more objectives of the VTS.

Notwithstanding the scope of these VTS tasks and activities is variable, each VTS task and activity can be classified, according to its nature and purpose, as belonging to one of four defined "service categories".

In designing an appropriate VTS to manage the risks associated with vessel movement in a given port, the relevant VTS Authority must determine the VTS tasks and activities that, in total, will constitute the VTS. For the purposes of this Determination, a VTS Authority is required to classify each discrete VTS task and activity it will undertake as belonging to one (only) of the four "service categories". The need to classify each discrete task and activity arises because, under this Determination:

- VTS tasks and activities comprising Service Categories 3 and 4 can only be performed by VTS Operators who are authorised as assistant harbour masters under the Marine Act; and
- VTS tasks and activities comprising Service Category 4 can only be undertaken in that part of the VTS area where the VTS Authority has

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legal jurisdiction (that is, within the VTS Authority's own port waters).

A "Service Category Table" forms part of Item 12 of Schedule 1 to this Determination.

Where a VTS Authority has determined that it will undertake one or more VTS tasks and activities comprising a particular service category, it must also be willing and able to undertake, at a minimum, all of the VTS tasks and activities set out in the Service Category Table with respect to that particular service category.

"Service Category 1" comprises each of the discrete VTS tasks and activities that—

- (a) either individually or in combination, are directed towards providing information to VTS Users/allied services; and
- (b) a VTS Authority is willing and able to undertake in order to achieve one or more objectives of the VTS in the VTS area.

"Service Category 2" comprises each of the discrete VTS tasks and activities that—

- (a) either individually or in combination, are directed towards providing advice to VTS Users/allied services; and
- (b) a VTS Authority is willing and able to undertake in order to achieve one or more objectives of the VTS in the VTS area.

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"Service Category 3" comprises each of the discrete VTS tasks and activities that—

- (a) either individually or in combination, are directed towards issuing a warning to VTS Users/allied services in accordance with this Determination; and
- (b) a VTS Authority is willing and able to undertake in order to achieve one or more objectives of the VTS in the VTS area.

"Service Category 4" comprises each of the discrete VTS tasks and activities that—

- (a) either individually or in combination, are directed towards issuing instructions to VTS Users/allied services in accordance with this Determination; and
- (b) a VTS Authority is willing and able to undertake in order to achieve one or more objectives of the VTS in the VTS area.

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"State waters" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

" State waters " means—

- (a) the territorial sea adjacent to the State; and
- (b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State; and
- (c) waters within the limits of the state.

"vessel" has the same meaning as in the **Marine Act 1988**;

As at the date of this version of the Determination—

Section 3(1) of the Marine Act provides:

"vessel", means any kind of vessel that is used, or capable of being used, in navigation by water, however propelled or moved, and includes—

- (a) a barge, lighter, floating restaurant or other floating vessel; and
- (b) an air-cushion vehicle, or other similar craft, that is used in navigation by water; and
- (c) any aeroplane that is designed for and capable of being waterborne, for so long as that aeroplane is waterborne.

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"Vessel Traffic Service" means the overall system, constituted by all of the discrete VTS tasks and activities that a VTS Authority is willing and able to undertake, which, either individually or in combination, are directed towards—

- (a) improving the safety, effectiveness and efficiency of vessel movements; and
- (b) protecting the environment within a VTS area;

It can be argued that static or passive traffic management measures (for example, the provision and use of navigation aids such as buoys, beacons, lights, etc) are VTS activities that would fit within the definition of 'Service Category 1' given that such aids provide the mariner with "information" that assists the ship borne navigational making process.

However, in accordance with international VTS recommendations, guidelines and practice, an essential feature of a VTS (and one that distinguishes a VTS from static or passive vessel traffic management) is its capability to interact with the traffic and respond to traffic situations in the VTS area.⁴

Therefore, for the purposes of this Determination, the ability to interact with vessels and respond to traffic situations are the key criteria which distinguish a VTS from other vessel traffic management tools and systems.

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"VTS" has the same meaning as "**Vessel Traffic Service**";

The terms "VTS" and "Vessel Traffic Service" are used interchangeably throughout this Determination.

"VTS area" means a port to which this Determination applies in respect of a VTS Authority or the delineated service area of the VTS set out in Schedule 3 to this Determination.

A VTS area may be subdivided into sub-areas or sectors.

A VTS area may also extend beyond conventional port boundaries to ensure that commercial shipping safety relevant to the port is included. (For example, in order to adequately respond to particular traffic situations such as ships unintentionally straying outside port limits.)

Notwithstanding that a VTS Authority has no legal jurisdiction to insist upon compliance with VTS requirements outside of a port to which this Determination applies, the VTS Authority may nevertheless delineate its VTS area to extend beyond the boundaries of its own port waters provided that it provides information, advice and warnings only and does not issue instructions in those extra-jurisdictional waters.

"VTS Authority" means the entity with responsibility for the management, operation and co-ordination of the VTS in the VTS area;

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"VTS Centre" means the centre from which the VTS is operated;

Each sub-area or sector of the VTS may have its own sub-centre.

"VTS Operator" means an appropriately qualified person who is engaged and authorised by the VTS Authority to perform one or more of the VTS tasks and activities constituting the VTS;

"VTS Rules" means the rules and procedures governing the operation of the VTS as formulated by the VTS Authority in accordance with the standards and procedures in this Determination.

"VTS User", with respect to a given VTS area, means a master navigating a vessel of the category specified in harbour master's directions in the relevant VTS area.

It is incumbent upon a VTS Authority to ensure that all categories of vessel that are expected to comply with VTS requirements have been adequately specified in the VTS Rules and to ensure that the harbour master has been advised accordingly. Furthermore, it is incumbent upon a harbour master to ensure that the VTS Rules are published in written harbour master's directions.

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6. Application of this Determination

- (1) Each duty-holder in relation to each port with respect to which a licensed harbour master has been engaged must—
 - (a) assess whether or not the volume of traffic or the degree of risk in the relevant port justify the provision of a Vessel Traffic Service in that port; and
 - (b) advise the Director by notice in writing of that assessment no later than 3 months following the commencement of this Determination.
- (2) If, pursuant to sub-clause (1), a duty-holder considers that the provision of a Vessel Traffic Service is justified, then, subject to sub-clause (3), this Determination will apply to the relevant port from the date that is one month after the date on which the Director receives the duty-holder's notice furnished under sub-clause (1)(b).
- (3) A duty-holder may, on reasonable grounds related to the duty-holder's implementation process, request the Director's written consent to this Determination applying to the relevant port from a date nominated by the duty-holder.
- (4) If the Director consents to a request made under sub-clause (3), this Determination will apply to the relevant port from the date nominated by the duty-holder in the request.
- (5) In a port to which this Determination applies, a vessel traffic management measure, system or strategy that has the capability to interact with vessel traffic and respond to traffic situations in the relevant port waters, and, where relevant, State waters contiguous to those port waters, is deemed to form part of the VTS for the purposes of this

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Determination irrespective of the actual words used by the VTS Authority to describe it.

(6) The implementation and operation of a VTS in a port to which this Determination applies must conform to the standards set out in this Determination.

Where a VTS has been adopted as a risk control measure

The application of this Determination is limited to those ports where—

- (a) a harbour master has been engaged; and
- (b) the relevant duty-holder has determined that it is appropriate and desirable to have the capability to interact with vessel traffic and respond to traffic situations in order to ensure the safe, effective and efficient movement of vessels within the relevant port waters.

Ports where a VTS is most likely to be considered as an appropriate risk control are those where pilotage is compulsory (which, as at the date of this version of the Determination, are the four commercial trading ports). However, it should be noted that compulsory pilotage is not a pre-condition to the application of this Determination in a port where a harbour master has been engaged.

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Part 2—VTS Roles, Responsibilities and Obligations

PART 2—VTS ROLES, RESPONSIBILITIES AND OBLIGATIONS

Division 1—Identification of the relevant VTS Authority

7. Relevant VTS Authority

- (1) In a port to which this Determination applies—
 - (a) if the port is a commercial trading port—
 - (i) the channel operator in that port is the relevant VTS Authority in that port; or
 - (ii) if there is no channel operator in that port, the relevant VTS Authority in that port is the person or body who effectively manages, superintends or controls the operation of the port or that part of the port comprising port waters.
 - (b) if the port is a local port, the local port manager is the relevant VTS Authority in that port.
- (2) Where a channel operator in a port is a person who manages channels in those port waters under an agreement, the relevant parties to the agreement are jointly responsible for ensuring that the VTS Authority complies with this Determination.

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Division 2—Harbour masters

8. Harbour masters

- (1) For the avoidance of doubt, a harbour master cannot act personally as a VTS Authority, notwithstanding the harbour master's statutory function to direct and control the movement of vessels.
- (2) In a port to which this Determination applies the harbour master must ensure that the VTS Rules with which VTS Users and allied services are expected to comply, are promulgated as harbour master's directions.
- (3) For the avoidance of doubt, nothing in this Determination precludes a harbour master from acting as a VTS Operator, notwithstanding another duly authorised person is concurrently acting as a VTS Operator.

VTS and the role of the harbour master

The implementation and operation of a VTS by the VTS Authority is one of a number of risk controls that can assist the harbour master engaged in that port in fulfilling his or her statutory duties under the Marine Act and any relevant conditions imposed upon his or her harbour master licence.

As at the date of this version of the Determination—

Statutory functions

Section 26C(1) of the Marine Act provides that the statutory functions of a harbour master include the function—

- (a) to control and direct vessels entering and leaving the waters for which he or she has been engaged, including the time and manner of doing so;
- (b) to control and direct the navigation and other movement of vessels in those waters; and

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(c) to control and direct the position where and the manner in which any vessel may anchor or be secured in those waters.

In addition, section 26C(2) of the Marine Act provides that a harbour master must carry out his or her section 26C(1) functions in a manner—

- (a) that ensures the safety of persons and the safe operation of vessels; and
- (b) that minimises the effect of vessel operations on the environment.

Statutory powers

Section 26E(1) of the Marine Act provides that:

(1) A harbour master may from time to time give written directions for or with respect to vessels entering or within waters for which he or she has been engaged...

with respect to various matters including the navigation and other movement of vessels and the management of the operation of vessels in those waters.

Section 26E(3) of the Marine Act further provides that:

(3) A harbour master may, if it is reasonable to do so, give an oral direction about any matter on which a written direction can be given under subsection (1) for or with respect to a vessel entering or within waters for which he or she has been engaged.

Licence conditions

Sections 26HE(1) and (2) of the Marine Act provide that:

- (1) The Director may, after first consulting with the person or body who has engaged a harbour master, impose a condition on the licence of that harbour master at any time during the course of the licence.
- (2) The Director may, after first consulting with the person or body who engaged a harbour master, vary a condition on the licence of that harbour master that has been imposed under subsection (1).

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Similarly, regulation 319(4) of the Marine Regulations 1999 provides that a harbour master licence may be limited by a condition imposed by the Director.

As at the date of this version of the Determination—

The Director has determined that a licensed harbour master is required to, (among other things), ensure the provision of adequate systems and procedures to ensure safe navigation of vessels including vessel traffic services. [See Marine Determination 7.2 “Licensing of Harbour Masters” dated 26 May 2005.]

PoMC must engage a licensed harbour master

As at the date of this version of the Determination—

Section 26A(1) of the Marine Act requires PoMC to ensure that a licensed harbour master is at all times engaged for the commercial trading port of Melbourne. In view of this statutory obligation, the harbour master is likely to play a key role in assisting PoMC, where appropriate, to fulfil its section 13 functions and, in particular, ensuring the safe navigation of vessels in port of Melbourne waters in fulfilment of PoMC’s section 13(1)(gc) function.

VRCA must engage licensed harbour masters

As at the date of this version of the Determination—

Sections 26A(2), (3) and (4) of the Marine Act require VRCA to ensure that a licensed harbour master is at all times engaged for the commercial trading ports of Geelong, Portland and Hastings, respectively. In view of this statutory obligation, these harbour masters are likely to play a key role in assisting VRCA, where appropriate, to fulfil its section 21 functions and, in particular, ensuring the safe navigation of vessels in port waters in fulfilment of VRCA’s section 21(1)(c) function .

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VRCA may arrange for a port manager to carry out VRCA's statutory functions

As at the date of this version of the Determination—

Section 21(2) of the Port Services Act permits VRCA to carry out its section 21 functions by arranging for a port manager, or another person (for example, a channel operator), to carry out VRCA's section 21 functions for the port waters and channels in the ports within VRCA's jurisdiction.

Thus, where VRCA has arranged for a port manager, or another person (for example, a channel operator), to carry out VRCA's section 21 functions, the port manager, or such other person, is likely to be the party that actually engages the harbour master, notwithstanding that VRCA has the statutory responsibility to ensure that this is done.

Director may require local port manager to engage licensed harbour master

As at the date of this version of the Determination—

Section 65(jd) of the Marine Act provides that it is a function of the Director to determine the parts of State waters (other than the port waters of the port of Melbourne, the port of Geelong, the port of Portland or the port of Hastings) with respect to which a licensed harbour master is required to be engaged.

As specified in Marine Determination 7.1 “*Local Ports and Waterways Requiring Engagement of a Licensed Harbour Master*” dated 26 May 2005, the Director has determined that a licensed harbour master is required in both the local ports of:

- Corner Inlet and Port Albert; and
- Gippsland Lakes,

Thus, the operation of section 26A(5) of the Marine Act effectively ensures that the port manager(s) of both these local ports will effectively carry out their statutory function to manage the operation of the port with respect to shipping and boating activities in the port through the agency of a licensed harbour master.

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Division 3—VTS Authority obligations

9. Implementation of the VTS

In a port to which this Determination applies, the VTS Authority must—

- (a) ensure that the respective roles and responsibilities of relevant parties with respect to VTS operations are clearly delineated and established in pertinent VTS documentation;
- (b) establish, document and promulgate a mission statement and objectives for its VTS operations in accordance with the standards set out in Schedule 1;
- (c) ensure that any proposal regarding the delineation of a VTS area that is submitted to the Director conforms with the standards set out in Schedule 1;
- (d) in accordance with the standards set out in Schedule 1, determine and classify the VTS tasks and activities that will comprise the VTS;
- (e) formulate, document and promulgate VTS Rules in accordance with the standards set out in Schedule 1;
- (f) prepare and document information about the VTS to be promulgated in accordance with the standards set out in Schedules 1;
- (g) select, procure, install, commission and maintain requisite shore-based and offshore VTS equipment in accordance with the standards set out in Schedule 1;
- (h) select and train, in accordance with the standards set out in Schedule 1, a sufficient number of personnel to ensure that the VTS

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tasks and activities constituting the VTS are performed by appropriately qualified and capable VTS Operators; and

- (i) prepare and submit to the Director a VTS Management Plan in accordance with the standards set out in Schedule 1;

10. Operation of the VTS

In a port to which this Determination applies, the VTS Authority must—

- (a) monitor, coordinate and control vessel movements by—
 - (i) collecting, verifying and organising relevant VTS-related information; and
 - (ii) undertaking VTS tasks and activities that are adequate and appropriate for treating the risks associated with the movement of vessels in the VTS area

in accordance with the standards set out in Schedule 1;

- (b) in accordance with the standards set out in Schedule 1, monitor compliance by VTS Users and allied services and report material breaches of VTS Rules to the Director;
- (c) in accordance with the standards set out in Schedule 1, record and store information collected as part of the VTS operations and make that information available to the Director upon request;
- (d) ensure that all documentation with respect to its VTS operations, including, but not limited to, its standard operating procedures manual, is effectively maintained and kept up to date;

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- (e) ensure its VTS operations and associated documentation are reviewed and revised on a regular basis to ensure compliance with any new domestic or international requirements or standards;

11. Compliance with international standards

In a port to which this Determination applies, the VTS Authority must ensure that the implementation and operation of its VTS, and its recruitment and training of VTS Operators—

- (a) comply with relevant IMO requirements, including, in particular, the minimum requirements set out in Schedule 2; and
- (b) conform with relevant IALA guidelines and recommendations, including, in particular, the minimum requirements set out in Schedule 2.

12. Compliance with MTOFS Legislation

- (1) In a port to which this Determination applies, the VTS Authority must ensure that its VTS operations and its recruitment and training of VTS Operators comply with the MTOFS Legislation.
- (2) If—

- (a) a VTS Authority; or
- (b) a VTS Operator

is required to give a direction under or pursuant to the MTOFS Legislation, the VTS Authority or the VTS Operator, as the case may be—

- (c) must, prior to giving the direction, notify the person to whom the direction is required to be given that the direction is being given under the MTOFS Legislation; and

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- (d) must not purport to give the direction as a VTS Authority or VTS Operator, as the case may be.
- (3) A VTS Authority must ensure that a VTS Operator engaged by it complies with sub-clause (2).

13. Auditing of VTS Authority compliance with this Determination

Each VTS Authority must—

- (a) at its own expense, have an external auditor conduct an audit of its VTS operations at least annually;
- (b) provide a copy of the auditor's report to the Director;
- (c) where an auditor's report contains any recommendations—
 - (i) prepare an implementation plan detailing how and when the VTS Authority intends to implement the auditor's recommendations; and
 - (ii) provide a copy of the implementation plan to the Director; and
 - (iii) ensure that the auditor's recommendations are implemented in a timely manner; and
- (d) at least once every three years, undergo an additional audit, at its own expense, by an auditor appointed by the Director.

If an implementation plan is not fully implemented or not implemented in a timely manner, the Director may issue a written notice detailing the non-compliance and request that the implementation plan be implemented in accordance with its terms.

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VTS Rules enforceable through harbour master's directions

Promulgating the VTS Rules as harbour master's directions is the means by which the VTS Rules are given legal effect and thus can be enforced.

As at the date of this version of the Determination—

To enable a harbour master (and ultimately the port manager who has engaged the harbour master) to carry out his or her statutory vessel management functions, section 26D of the Marine Act provides that:

a harbour master has all the powers that are necessary and convenient to enable him or her to carry out the functions given to the harbour master under this or any other Act.

In addition, sections 26E(1) and (3) of the Marine Act confers upon a harbour master the specific power to give written or oral directions for or with respect to vessels entering or within waters for which he or she has been engaged (that is, give “**harbour master's directions**”) regarding various matters including:

- (1)(b) to control and direct the navigation and other movement of vessels in those waters; and
- (1)(f) any other thing for or with respect to the management of the operation of vessels in those waters.

The harbour master's power to promulgate VTS Rules as harbour master's directions can be sourced to these sub-sections of the Marine Act.

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Consequences of failure to comply with a harbour master's directions

As at the date of this version of the Determination—

Section 26HB(1) of the Marine Act makes it an offence to fail to comply with a harbour master's directions. The section provides:

The master of a vessel must not, without reasonable excuse, refuse or fail to comply with any direction given under this Part [3A of the Marine Act] to the master by a harbour master.

The penalty for a breach of section 26HB(1) attracts a maximum fine of 120 penalty units.

Notwithstanding that section 26HB(1) applies solely to masters, section 84(1) of the Marine Act provides:

The Director may conduct an investigation if the Director has reason to believe—

(d) that any pilot, pilot exempt master or pilotage services provider, who is registered under this Act to act as a pilot, pilot exempt master or pilotage services provider (as the case requires), has breached the conditions of that registration.

Section 84B(1) of the Marine Act provides that following an investigation conducted under section 84 of the Marine Act, the Director may take certain action including suspension or cancellation of a licence, certificate or registration.

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Director's power to investigate suspected breaches of this Determination

As at the date of this version of the Determination—

The Director's statutory function under section 65(h) of the Marine Act extends to enforcing the standards and procedures that the Director has determined for navigation and maritime safety on State waters, including the standards and procedures set out in this Determination.

Where the Director reasonably suspects that a provision of this Determination has been breached, the Director is empowered under the Marine Act to appoint an inspector to investigate the suspected breach and report to the Director.

Section 82D(f) of the Marine Act provides that:

An inspector must investigate and report to the Director on any of the following that the Director requires—

(f) any other matter that, in the opinion of the Director, should be investigated for the purposes of [the Marine Act].

Where, in accordance with sub-clause 10(b) of this Determination, a VTS Authority notifies the Director that, in the reasonable opinion of the VTS Authority, a VTS User has materially refused or failed to comply with the VTS Rules as published in the relevant harbour master's directions, an inspector appointed by the Director under Division 2 of Part 8 of the Marine Act can be required by the Director to investigate the alleged refusal or failure in order to determine, amongst other things, whether the VTS User has breached one or more of:

- the Marine Act;
- the regulations; or
- a condition attaching to a licence, certificate or registration issued or granted by the Director to the VTS User.

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SCHEDULE 1 — VTS Standards

SCHEDULE 1 — VTS STANDARDS

Clauses 9 & 10

VTS mission and objectives

1. The VTS mission and objectives should be developed within the broader operating framework of the port to ensure they are integrated into the relevant duty-holder's overall strategic and operational planning.
2. The precise wording of the VTS mission statement and objectives should reflect the requirements of the VTS Authority after having regard to—
 - (a) the volume and character of maritime traffic in the VTS area; and
 - (b) the capability, expertise and technology available to the VTS Authority.
3. At a minimum, and in line with IMO and IALA recommendations and guidelines, the VTS mission statement and objectives should—
 - (a) address the following fundamental objectives of a VTS—
 - (i) safety and efficiency of navigation;
 - (ii) safety of life at sea; and
 - (iii) protection of the marine environment, the adjacent shore area, worksites and offshore installations from possible adverse effects of maritime traffic; and
 - (b) incorporate the need for—

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- (i) quality assurance and the principle of continuous improvement;
- (ii) a risk management approach to VTS management and operations; and
- (iii) strong community and customer relationships.

4. The VTS Authority must promulgate its VTS mission and objectives to—

- (a) VTS Users;
- (b) allied services;
- (c) pilotage services providers;
- (d) pilots;
- (e) persons or bodies with jurisdiction in or adjacent to the VTS area; and
- (f) other users of the VTS area

in a way that facilitates a clear and broad-based understanding of, and support for, the VTS mission and objectives.

Delineation and structure of VTS area

5. Where appropriate, a VTS area can be divided into sectors, but these should be as few as is practicable for achieving the VTS objectives.

6. Area and sector boundaries should not be located—

- (a) where vessels normally alter course or manoeuvre; or
- (b) in an approach to areas of convergence; or
- (c) at route junctions; or
- (d) where there is crossing vessel traffic.

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7. Factors to consider when delineating a VTS area should include—
 - (a) local geography and weather conditions;
 - (b) number, size and types of vessels (including local traffic);
 - (c) vessel equipment, manoeuvrability, spatial distribution and cargo;
 - (d) the needs, concerns and requirements of persons, in addition to VTS Users and allied services, who are engaged in various activities within the VTS area including, but not limited to, pilotage services providers, naval operations, oil and gas production and recreational activities

so that, as far as is reasonably practicable, the VTS will meet the needs of all users of the waters comprising the proposed VTS area, without placing unnecessary constraints on the movement of any of the vessels within those waters.

8. Each VTS centre in an area or sector must have a name identifier.
9. Notwithstanding that the VTS Authority and the harbour master lack legal jurisdiction to insist upon compliance with the VTS Rules beyond the jurisdictional boundaries of their own port waters, the relevant VTS area may nevertheless include State waters beyond, but contiguous to, the jurisdictional boundaries of their own port waters.

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10. Where a VTS Authority has determined that its VTS area is to extend beyond the jurisdictional boundaries of its own port waters, the VTS Authority must—
 - (a) prior to commencing operation of the VTS—
 - (i) delineate the VTS area with sufficient precision so as to allow VTS Users and allied services to accurately determine where the boundaries of the VTS area lie; and
 - (ii) provide the Director with details of the delineated VTS Area for publication in the Table in Schedule 3 to this Determination; and
 - (b) in respect of vessels that are for the time being in a part of its VTS area that is beyond its own port boundaries, ensure that the VTS Authority, and any VTS Operators it has engaged, do not purport to undertake any of the VTS tasks and activities that the VTS Authority has classified as comprising Service Category 4.

VTS tasks and activities

11. Based upon the risk assessment undertaken by the relevant duty-holder in the relevant port pursuant to clause 6(1)(a) of this Determination, the VTS Authority must—
 - (a) prior to commencing operation of the VTS—
 - (i) subject to item 12 of this Schedule, determine the scope and nature of the VTS tasks and activities that it can and will undertake in any given VTS traffic situation; and

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- (ii) classify, each VTS task or activity determined pursuant to sub-item (i), as being a component of the single most appropriate service category based upon the nature and purpose of that particular task or activity; and
- (b) whilst providing VTS in the VTS area, determine the appropriate VTS tasks and activities that will be undertaken by the VTS Authority in respect of the requirements and circumstances of each given VTS traffic situation.

12. Where, pursuant to item 11(a)(ii), a VTS Authority has classified a VTS task or activity as being a component of a particular service category, the VTS Authority must—

- (a) have the capacity and capability; and
- (b) be willing and able

to undertake not less than each of the VTS tasks and activities set out in column 2 of the Service Category Table opposite that particular service category in column 1 of the Service Category Table.

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In designing an appropriate VTS to manage the risks associated with vessel traffic movement in a given port, the relevant VTS Authority must determine the VTS tasks and activities that, in total, will constitute the VTS. For the purposes of this Determination, a VTS Authority is required to classify each discrete VTS task and activity as belonging to one (only) of four “service categories”. The need to classify each discrete task and activity arises because, under this Determination:

- VTS tasks and activities comprising Service Categories 3 and 4 can only be performed by VTS Operators who are authorised as assistant harbour masters under the Marine Act; and
- VTS tasks and activities comprising Service Category 4 can only be undertaken in that part of the VTS area where the VTS Authority has legal jurisdiction (that is, the VTS Authority's own port waters).

Where a VTS Authority has determined that it will undertake one or more VTS tasks and activities comprising a particular service category, it must also be willing and able to undertake, at a minimum, all of the VTS tasks and activities set out the Service Category Table with respect to that particular service category.

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Service Category Table

<i>Column 1</i>	<i>Column 2</i>
<i>Service Category</i>	<i>Minimum VTS tasks and activities (to be undertaken by VTS Authority)</i>
1. INFORMATION	<p>The VTS Authority must:</p> <ul style="list-style-type: none">(a) collect and monitor information on vessel traffic movements within the VTS area through all means reasonably available to the VTS Authority (for example, radar, AIS, CCTV, VHF radio, visual observation);(b) receive information from appropriate sources reasonably available to the VTS Authority (for example, pilotage services providers, pilots, tug operators, ships, shipping agents, terminals) on predicted vessel movements, hazards to navigation, aids to navigation discrepancies, and other information likely to be of interest or concern to VTS Users, allied services or pilots;(c) based on information collected or received, provide relevant information to VTS Users, allied services or pilots either upon request or at appropriate and regular intervals as determined by the VTS Authority;(d) in so far as is reasonably practicable, ensure that the quantity and quality of the information provided to VTS Users, allied services or pilots is appropriate and timely to assisting vessels in their shipboard navigational decision making.

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<i>Column 1</i>	<i>Column 2</i>
<i>Service Category</i>	<i>Minimum VTS tasks and activities (to be undertaken by VTS Authority)</i>
2. ADVICE	<p>The VTS Authority must:</p> <ul style="list-style-type: none">(e) analyse the information gathered by undertaking the VTS tasks and activities comprising Service Category 1 and based on this analysis, advise VTS Users, allied services and pilots of developing trends and planned activities within the VTS area and their implications to marine traffic in general and to individual users or user groups in particular;(f) provide advice either upon request by a VTS User, allied service or pilot or at appropriate and regular intervals as determined by the VTS Authority;(g) monitor all marine traffic within the VTS area to ensure compliance with VTS requirements generally, and, in particular, with the VTS Rules set out in the written harbour master's directions;(h) in so far as is reasonably practicable, ensure that VTS Users, allied services and pilots are given sufficiently accurate and timely advice to facilitate the making of appropriate decisions:<ul style="list-style-type: none">(i) for the safe navigation and operations of vessels within the VTS area; and(ii) to rectify any non-compliance with VTS requirements generally, and, in particular, with the VTS Rules set out in the written harbour master's directions;

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<i>Column 1</i>	<i>Column 2</i>
<i>Service Category</i>	<i>Minimum VTS tasks and activities (to be undertaken by VTS Authority)</i>
3. WARNING	<p>The VTS Authority must:</p> <ul style="list-style-type: none">(i) issue a warning to a VTS User, allied service or pilot in the following circumstances:<ul style="list-style-type: none">(i) the VTS Authority has information which indicates the potential occurrence of a dangerous situation involving or which may involve the VTS User, allied service or pilot; and(ii) there is a reasonable possibility that the VTS User, allied service or pilot may not have that information and/or be unaware of the danger or potentially dangerous situation; and(iii) alerting the VTS User, allied service or pilot to a danger or the potential of danger and/or providing relevant information to the VTS User, allied service or pilot would assist the VTS User, allied service or pilot to avoid the danger or potentially dangerous situation.

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<i>Column 1</i>	<i>Column 2</i>
<i>Service Category</i>	<i>Minimum VTS tasks and activities (to be undertaken by VTS Authority)</i>
4. INSTRUCTION	<p>The VTS Authority may:</p> <p>(j) issue an instruction to a VTS User/allied service in the following circumstances:</p> <p>(i) the VTS Authority observes a violation of the VTS Rules as set out in the written harbour master's directions; or</p> <p>(ii) the VTS Authority becomes aware of a violation of any oral harbour master's direction; or</p> <p>(iii) an obvious and immediate dangerous situation exists of which the VTS user is not aware or does not seem to be aware.</p>

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13. VTS tasks and activities are to be undertaken as appropriate to the requirements and circumstances of any given VTS traffic situation and not necessarily in any fixed or pre-determined order.

The order in which particular VTS tasks and activities are undertaken should not be determined according to the service category classification ascribed to the task or activity. For example, it would be incorrect to assume that all of the VTS tasks and activities comprising Service Categories 1 and 2 must be undertaken before the VTS Authority could issue a warning to a VTS User potentially in danger.

Similarly, the order in which the VTS tasks and activities are set out in the Service Category Table is not a determinant of the order in which VTS tasks and activities should be undertaken.

The order in which particular VTS tasks and activities are undertaken should be determined solely according to the circumstances of the relevant VTS traffic situation.

14. Where the VTS Authority is willing and able to undertake specific VTS tasks and activities that it has classified as being a component of Service Categories 3 or 4, the VTS Authority must ensure that any VTS Operator (other than the harbour master) who has been engaged by the VTS Authority to undertake those VTS tasks and activities has been—
 - (a) authorised as an assistant harbour master in accordance with the **Marine Act 1988**; and
 - (b) delegated relevant powers and authority by the harbour master including the power to give an oral direction in accordance with the **Marine Act 1988**.

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15. Communication used by the VTS Authority, VTS Users and allied services must conform with the IMO Standard Marine Communication Phrases for VTS operations.
16. The VTS Authority must ensure that any information or advice it provides; or any warning or instruction that it issues, is results-oriented and that the details of the execution are left to the sole discretion of the VTS User/allied service.

“Results-oriented” instructions means that the details of execution are left to the vessel. For example, the VTS Operator may give an instruction that the vessel is not to enter a particular channel. It is up to the master of the vessel to decide what specific action to take to comply with this instruction.
17. On the basis that the ultimate responsibility for safe navigation of a vessel remains with the master of the vessel, at no time should the VTS Authority or any VTS Operator —
 - (a) expressly or impliedly relieve, or attempt to relieve, a master of his or her responsibility for the safe navigation and control of the vessel; or
 - (b) expressly or impliedly accept, or attempt to accept, responsibility for the safe navigation and control of a vessel.

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VTS Rules

18. VTS Rules published by the harbour master in written harbour master's directions must include—
 - (a) categories of vessels for which it is—
 - (i) mandatory to participate in the VTS and comply with the VTS Rules; and
 - (ii) optional to participate in the VTS;
 - (b) VHF radio frequencies to be used when communicating with the relevant VTS Centre;
 - (c) mandatory reporting points for specific categories of vessels as specified in the written harbour master's directions; and
 - (d) the format and content of reports required to be submitted to the relevant VTS Centre by VTS Users and allied services.
19. For the purpose of item 18(a), the VTS Authority must—
 - (a) have systems and documented procedures in place to allow it to determine the categories of vessels for which it should be—
 - (i) mandatory to participate in the VTS and comply with the VTS Rules; and
 - (ii) optional to participate in the VTS;
 - (b) make the determination referred to in sub-item (a);
 - (c) inform—
 - (i) each harbour master having statutory responsibilities for any port waters within the VTS area; and

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(ii) the Director;

of the determination made by the VTS Authority pursuant to sub-item (b); and

(d) furnish the harbour master engaged in the VTS Authority's own port with a written request that the harbour master publish the determination, made by the VTS Authority pursuant to sub-item (b), as written harbour master's directions.

Promulgation and retention of VTS information

20. The minimum information about the VTS that must be promulgated by the VTS Authority comprises—

(a) a description of the specific VTS tasks and activities that the VTS Authority is willing and able to undertake;

(b) details of the basis upon which, or the circumstances in which, specific VTS tasks and activities will be undertaken;

For example, if a VTS Authority provides information, advice and warnings (that is, VTS tasks and activities within 'Service Categories 1, 2 and 3'), the VTS Authority may undertake to provide information to VTS Users at regular intervals, and advice to VTS Users upon request, but undertake to issue a warning only if it is in possession of information (that it considers the VTS User may not be aware of) indicating the potential occurrence of a dangerous situation involving the VTS User.

(c) VTS Centre contact details and its VTS callsign;

(d) areas of coverage;

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- (e) hours of operation; and
- (f) the circumstances in which the VTS Authority will report a breach of the VTS Rules to the Director, and the circumstances in which the VTS Authority may, at its discretion, report a breach of the VTS Rules to the Director.

21. Any information collected as part of the VTS operations that relates to any incident which is, or is required to be, reported to the Director must be retained by the VTS Authority until the earlier of—

- (a) the date on which the Director, at the request of the VTS Authority, consents to the information no longer being retained; or
- (b) the seventh anniversary of the incident to which the information relates; but,
- (c) where the VTS Authority is aware on the seventh anniversary of the incident that any legal action arising out of, or connected with the incident is still pending, until such date on which the Director, at the request of the VTS Authority, consents to the information no longer being retained.

VTS equipment

22. Based upon its stated VTS objectives and the coverage requirements of the given VTS area, the VTS Authority must develop and apply appropriate internally-formulated standards to guide its selection, procurement, installation, commissioning and maintenance of requisite shore-based and offshore VTS equipment.

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23. In formulating appropriate VTS equipment standards, the VTS Authority should take into consideration the following factors—
 - (a) an assessment of the required coverage of the VTS area, including—
 - (i) the size and geographical configuration of the VTS area;
 - (ii) traffic density; and
 - (iii) the VTS tasks and activities the VTS Authority is willing and able to undertakein order to ensure that the type and number of VTS equipment is sufficient to provide complete coverage;
 - (b) all relevant state, commonwealth and international regulations and standards to ensure VTS equipment compliance;
 - (c) availability and reliability requirements of the VTS equipment;

Data sensors should be fully integrated with the means for analysing data and transmitting the results of the analysis.

Emphasis should be put on the most cost-effective means of ensuring the required level of equipment availability is met. This assessment may result in the need to enhance equipment reliability through redundancy (for example, duplicate power supplies, operational equipment and communication links).

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(d) provision of facilities to store and replay VTS information and communications received and transmitted by radiotelephone and telephone;

These facilities are essential:

- in the event of an emergency incident;
- to satisfy the requirements of clauses 10(i) and 10(l) and item 21 of Schedule 1 of this Determination; and
- for analysing the performance of the VTS centre.

(e) communication facilities to other VTS centres and to marine and other local authorities relevant to the VTS area; and

Appropriate means for such communications should be chosen. Choice will depend on required availability of the particular communication link and the facilities provided at the VTS centre and other stations.

(f) an appropriate method for maintenance of equipment and facilities.

The choice of method for system maintenance will depend on:

- the anticipated failure rate of equipment;
- the cost of different maintenance methods (for example, a dedicated maintenance unit, outsourcing, or a combination of the two);
- whether there is a need for the VTS to be self sufficient; and

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- availability of suitable contractors in the area concerned.

24. Formulation of appropriate internal VTS equipment standards should enable the VTS Authority to—
 - (a) identify the minimum equipment requirements for the VTS area; and
 - (b) develop, document and implement procedures for ensuring VTS equipment and facilities are efficiently and effectively maintained.
25. In addition to having regard to international VTS recommendations and guidelines relating to VTS equipment, when selecting VTS equipment the VTS Authority should also take the following factors into consideration—
 - (a) the structure of the VTS area, including the VTS tasks and activities that the VTS Authority is willing and able to undertake;
 - (b) the VTS Authority's surveillance requirements within the VTS area;
 - (c) communication requirements within the VTS area;
 - (d) the risk level that the relevant duty-holder has deemed to be acceptable;
 - (e) the desired safety outcomes to be achieved;
 - (f) the need for adequate equipment redundancy;
 - (g) the needs and requirements of VTS Users;
 - (h) conditions under which the VTS equipment will be operated;

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- (i) the VTS Authority's documentation requirements; and
- (j) where relevant, the requirements of the MTOFS Legislation.

26. The VTS Authority must ensure that appropriate systems and procedures are in place to review the effectiveness and relevance of its internal VTS equipment standards and monitor and assess compliance with these standards.

VTS personnel

27. In selecting and training VTS personnel, the VTS Authority must adopt a competency-based approach that involves—

- (a) identification of specific competencies including, but not limited to, knowledge, skills and personality traits, that a VTS Operator must have to effectively perform specified functions;
- (b) establishment of performance standards for knowledge and skills to be acquired;
- (c) analysis of VTS personnel performance against appropriate standards to identify areas where training, or other intervention is required either to develop new skills or enhance existing ones;
- (d) development and delivery of training or other intervention programs that target identified competency areas;
- (e) establishment of personnel development programs to ensure the systematic enhancement of work competencies; and

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- (f) monitoring and evaluation of the effectiveness of training and development programs in raising performance levels of VTS personnel to the desired standard.
- 28. The selection of competencies should be based on the VTS objectives and the relevant service categories associated with those VTS tasks and activities, and take into account relevant human factors within the VTS operating environment.
- 29. Job descriptions developed for VTS Operators should effectively capture the precise set of competencies including, but not limited to, knowledge, skills and personal traits that a VTS Operator must have.
- 30. The competencies required of individual VTS Operators must be appropriately aligned with the VTS tasks and activities to which they are assigned.

Monitoring VTS User compliance

- 31. The VTS Authority must have systems and documented procedures in place for—
 - (a) monitoring VTS User and allied services compliance with the VTS Rules;
 - (b) reporting material breaches of VTS Rules, as published in written harbour master's directions, to the Director.

VTS Management Plan

- 32. Prior to commencing operation of the VTS, a VTS Management Plan must be submitted by the VTS

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Authority to the Director and must contain, at a minimum, the following information—

- (a) a VTS risk assessment;
- (b) internal documentation requirements for operating the VTS;
- (c) externally published documentation requirements for VTS Users and allied services;
- (d) mission, objectives and roles and responsibilities of the VTS;
- (e) organisational structure and management of the VTS within the VTS Authority, including, where relevant, details of the interrelationship between the duty-holder in its capacity as a VTS Authority and other roles undertaken by the duty-holder;
- (f) VTS area map identifying relevant sectors;
- (g) the handover requirements and protocols between sectors and other VTS Centres;
- (h) the VTS tasks and activities that the VTS Authority is willing and able to undertake and the service categories into which those VTS tasks and activities have been classified by the VTS Authority;
- (i) VTS equipment requirements;
- (j) VTS personnel and training requirements;
- (k) the requirements of VTS Users and allied services and the way in which those requirements will be addressed; and
- (l) VTS Authority protocols for reporting to the Director, including reporting of material breaches of the VTS Rules published in harbour master's directions.

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SCHEDULE 2 — Minimum IMO and IALA requirements

SCHEDULE 2 — MINIMUM IMO AND IALA REQUIREMENTS

Clause 11

1. In line with IMO recommendations and guidelines, the VTS Authority must—
 - (a) ensure that the objectives of the VTS are met;
 - (b) ensure that the relevant international VTS recommendations and guidelines applicable to each service category, VTS Operator qualifications and VTS equipment are met;
 - (c) ensure that the VTS operations are harmonized with ship reporting and routeing measures, aids to navigation, pilotage and port operations as appropriate;
 - (d) consider, where appropriate, the participation of pilots both as a user and a provider of information to the VTS Authority;
 - (e) ensure that a continuous listening watch on the designated radio frequencies is kept;
 - (f) ensure that all of the VTS tasks and activities that the VTS Authority is willing and able to undertake are available during the stated operational hours of the VTS; and
 - (g) ensure that operating procedures for routine and emergency situations within the VTS area are established.
2. The VTS Authority must take all reasonable steps to ensure that it has access to sufficient technical competence to undertake detailed VTS planning and implementation.

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SCHEDULE 2 — Minimum IMO and IALA requirements

3. The VTS Authority must take all reasonable steps to ensure that any training provided to its VTS personnel is—
 - (a) of an appropriate standard given—
 - (i) the nature and scope of the VTS tasks and activities that the VTS Authority is willing and able to undertake in the port; and
 - (ii) the nature and scope of the particular VTS tasks and activities that individual VTS Operators are required to perform.
 - (b) consistent with the guidelines, recommendations and requirements set by IMO and IALA for VTS training as set out in the international VTS recommendations and guidelines.
4. The VTS Authority must use all reasonable endeavours to provide VTS Users and allied services with full and timely details of VTS requirements and procedures.
5. The VTS Authority must use all reasonable endeavours to ensure current VTS information is made available through appropriate international nautical publications including, but not limited to, the “World VTS Guide”.
6. The VTS Authority must publish—
 - (a) VTS information and requirements in an appropriate format, such as—
 - (i) a stand alone VTS User Manual; or
 - (ii) as part of a Port Operations Handbook.

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SCHEDULE 2 — Minimum IMO and IALA requirements

7. The harbour master must publish any VTS Rules relating to the port waters for which he or she has been engaged as written harbour master's directions.
8. VTS communication between the VTS Authority, VTS Users and allied services must be conducted in accordance with IMO requirements for ship reporting systems and limited to information essential to achieve the objectives of the VTS.
9. Appropriate standards of communication on channels assigned for VTS purposes must be followed, including, but not limited to, the use of IMO Standard Marine Communication Phrases.
10. The VTS Authority must develop, implement, operate and regularly review a quality control system that, at a minimum, will—
 - (a) monitor the effectiveness and efficiency of the VTS in achieving the VTS objectives;
 - (b) identify instances of non-conformance with this Determination; and
 - (c) identify and assess the implications of any non-conformity with the recommendations and requirements established by IMO and IALA as promulgated in international VTS recommendations and guidelines.

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SCHEDULE 3 — VTS service areas

SCHEDULE 3 — VTS SERVICE AREAS

Schedule 1 Item 9

1. In the table below, for each VTS Authority specified in column 1, the delineated area of State waters set out opposite the VTS Authority in column 2 is the VTS service area with respect to that VTS Authority for the purposes of this Determination.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>VTS Authority</i>	<i>VTS area</i>
Port of Melbourne Corporation	Port Waters of the port of Melbourne

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ENDNOTES

1. General Information

The **Marine (VTS Standards) Determination 2008** was issued on 14 November 2008 and came into operation on 1 December 2008.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Marine (VTS Standards) Determination 2008** by amending instruments.

Nil

Issue Date:
Commencement Date:
Current State:

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Endnotes

3. Explanatory Details

¹ Speech by Mr. W.A. O'Neil, Secretary-General of IMO to the XVth International Association of Lighthouse Authorities (IALA) Conference, Sydney (Australia), 11 March 2002
http://www.imo.org/dynamic/mainframe.asp?topic_id=651&doc_id=2034
accessed 23 April 2007

² <http://www.imo.org/Safety/mainframe.asp?topic_id=387> accessed 23 April 2007

³ Keynote address by Efthimios E. Mitropoulos, Secretary-General of the International Maritime Organization to the IALA/AISM 16th Conference, Shanghai, 22 May 2006
http://www.imo.org/dynamic/mainframe.asp?topic_id=1322&doc_id=6334
accessed 23 April 2007

⁴ Clause 1.1.1 of Annex 1 of IMO Assembly Resolution A.857(20) on *Guidelines for Vessel Traffic Services*