



National Marine Safety Committee

National Marine
Safety Committee Inc.

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SUPERYACHT POLICY

1 BACKGROUND

- 1.1 Representatives from the superyacht industry have made a number of approaches to Australian Governments to seek clarity of requirements in order to facilitate the superyacht industry in Australia. Governments at both State and Federal level have indicated their support of the economic benefits of encouraging foreign superyachts to be built, refurbished and operate in Australia.
- 1.2 Although individual commercial arrangements may vary, super yachts often undertake charters for clients.
- 1.3 Under the definitions used in state law for commercial vessels such arrangements are considered as commercial and there is no option other than to treat them as commercial vessels

2 PURPOSE AND SCOPE OF THIS POLICY

- 2.1 The purpose of this policy is to establish a nationally consistent approach to govern the operation of foreign registered superyachts, that do not carry more than 12 passengers and act as commercial vessels under state laws on intrastate voyages.

NOTES:

1. The limit of 12 passengers applies to both berthed and day/unberthed passengers.
2. Superyachts that do not undertake commercial operations are considered recreational vessels and as such are not subject to this policy.
3. This policy does not apply to foreign registered superyachts conducting an international voyage even though it may be under charter passing through Australian waters originating and terminating outside of Australia. Such vessels would be considered recreational vessels while in Australian waters.

3 DEFINITIONS

Commercial Vessel – means a vessel defined as a commercial vessel under Part B of the National Standard for Commercial Vessels.

Superyacht – means a sailing ship or motor vessel that:

- is used for sport or pleasure,
- is over 24 metres in load line length,
- does not carry cargo, and

Foreign registered superyacht – means a superyacht from a foreign country that is not registered in Australia

Temporary recognition as a commercial vessel – means making provision for a vessel to be recognised as a commercial vessel under the relevant legislation of the state/territory for a designated period.

4 REFERENCES

The large Commercial Yacht Code (LY2), (see UK MCS Merchant Shipping Notice 1792 (M), Published 08/2005)

5 REQUIREMENTS FOR THE TEMPORARY RECOGNITION OF FOREIGN REGISTERED SUPERYACHTS AS COMMERCIAL VESSELS UNDER STATE/TERRITORY LEGISLATION

5.1 Temporary recognition of foreign registered superyachts

Foreign registered superyachts may be granted a temporary recognition as a commercial vessel for a designated period where the following principles are met.

The recognition of these vessels under this policy will be dependent on any conditions/limitations of class or survey or registration recorded on the vessel under its certification remaining a requirement.

a) Certification

The list of certificates specified in the UK MSA publication. The Large Commercial Yacht Code (LY2), shall be held. The certificates shall be issued by an IACS classification society or by the UK or USA governments.

b) Safety Equipment

The vessel shall hold a current valid certificate from an IACS classification Society or the government of the UK, or USA for lifesaving appliances for crew and 12 passengers in an unlimited operating area

A certificate issued under the relevant state legislation by an Australian Marine Authority is an acceptable equivalent provided it reflects the standard for an unlimited operating area

c) Crewing

The vessel shall be crewed in accordance with the UK or USA requirements for a vessel of that size in an unlimited operating area.

The certification held by the crew shall be either UK or US qualifications recognised in Table 1 as comparable to the USL Code, or NSCV qualifications. The vessel may only be operated in the waters as applicable for the comparable USL Code or NSCV qualifications. Alternatively the crew may hold STCW95 compliant licences.

d) **Inspection**

A jurisdiction shall require a surveyor or authorised officer nominated by the jurisdiction or acceptable by the jurisdiction to carry out an inspection of the vessel and its certificates and any such further regulatory inspections or audits that a commercial vessel of that jurisdiction is subject to.

e) **Length of designated period for recognition as a temporary commercial vessel**

The temporary recognition of the vessel as a commercial vessel under state law under the provisions of this policy shall not exceed a total of 12 months in any/all Australian state territory jurisdiction/s in any 2 year period.

Temporary recognition for periods of less than 12 months may be issued.

NOTE: Vessels wishing to remain in commercial operations in Australia for a longer period may chose to enter commercial full survey under the legislation of the jurisdiction.

Superyachts and similar vessels that enter commercial survey for commercial operations separate to the provisions of this policy shall not be restricted by this section. They are subject to the normal renewal of survey and, where applicable operational licenses, as any other commercial vessels operating in the jurisdiction.

f) **Identification**

The vessel shall display a unique identifying mark (as required by the relevant State Legislation) that identifies it as a vessel temporary recognition as a commercial vessel.

NOTE: A designated flag or banner/screen may be used for identification.

g) **Marine Pollution**

The vessel shall meet the requirements under MARPOL applicable to a commercial vessel of that size with an unlimited operating area, as well as any additional local requirements.

h) **Insurance**

The vessel shall show evidence of holding P&I insurance cover for the period of temporary recognition as a commercial vessel.

i) **Safety Management System**

A vessel applying shall show evidence of holding and shall maintain certification of a safety management system that meets the requirements of the International Safety Management (ISM) Code while in Australian waters.

6 MUTUAL RECOGNITION IN OTHER STATE/TERRITORY JURISDICTIONS

6.1 Interstate Recognition

Vessels holding temporary recognition moving interstate shall notify in writing the new jurisdiction and also the marine authority of the jurisdiction issuing the temporary recognition of the vessel as a commercial vessel requesting them to forward a copy of their relevant recognition certificate and papers to the new receiving jurisdiction.

NOTE:

1. This clause does not imply that charter operations may be conducted on interstate voyages. Refer to Clause 7 for interstate charters.

Prior to undertaking commercial operations in a new state, a temporary recognition from the receiving state will be required.

NOTES:

1. In the interest of mutual recognition, it is recommended that Authorities recognise that the vessel has already been through a recognition process in the original state, and not impose additional requirements.
2. Refer to Clause 5.1.e) for length of designated period for designated temporary commercial recognition.
3. A vessel completing the maximum period of temporary commercial operation may remain in Australian waters as a private recreational vessel but will not be permitted to undertake commercial charters until able to qualify for another temporary commercial recognition in accordance with the provisions of clause 5.1.e)

7 CHARTER RESTRICTIONS

Commercial charters shall not be permitted to undertake interstate voyages under the terms of this policy. The limit of 12 passengers during charter operations applies to all forms of charter operations. It shall not be increased for day operations or operations in sheltered waters. The limit of 12 passengers shall apply whenever the vessel is under way.

NOTE: Vessels wishing to exceed the limit of 12 passengers for commercial operations in Australia will be required to enter full commercial survey under the legislation of the jurisdiction.

Table 1 - Recognised Qualifications		
USL Code	UK MCA	USCG
Deck Qualifications		
Master 3	Master (<3000 Gross Tonnes)	Master (500-1600 Gross Tons)
Master 4	Master (<500 Gross Tonnes)	2 nd Mate
Master 5	Officer of the watch (yacht)	3 rd Mate
Engineering Qualifications		
Engineer Grade 3	Chief Engineer – Yacht 1	None Comparable
Marine Engine Driver Grade 1	Chief Engineer – Yacht 2	None Comparable
Marine Engine Driver Grade 2	Chief Engineer – Yacht 3	None Comparable
Marine Engine Driver Grade 3	Chief Engineer – Yacht 4	None Comparable
Marine Engine Driver Grade 3	Marine Engine Operator Licence (MEOL)	None Comparable
Marine Engine Driver Grade 3	Approved Engine Course Certificate (AEC)	None Comparable