

AUSTRALIAN NATIONAL ANNEX to the Large Commercial Yacht Code (LY3)

PRELIMINARY

This document is the Australian National Annex which modifies for Australia the requirements of '*Large Commercial Yacht Code*' – third edition (known as the LY3 Code) published by the United Kingdom Maritime and Coastguard Agency. The LY3 Code is available free from the publications page of the Government of the United Kingdom's website.¹

Marine Order 52 (Yachts and training vessels) 2016 (MO52) made under the *Navigation Act 2012*, establishes the requirements for regulated Australian vessels (RAVs) that are large yachts².

A yacht need not be designed to carry sail and may be a training vessel. These vessels may be motor or sailing vessels, and consistent with the definition of 'large commercial yachts' in the LY3 Code, must:

- a. be 24 metres or more in load line length;; and
- b. be for commercial use for sport or pleasure; and
- c. not carry cargo; and
- d. not carry more than 12 passengers.

RAVs that are large yachts are required to have a Certificate of Compliance (Large Yacht) issued under the *Navigation Act 2012* in accordance with criteria in MO52³. The criteria for issue of this certificate, is that the vessel and its equipment comply with the LY3 Code as modified by this Annex.

The LY3 Code is to be read in conjunction with this Annex for the purposes of MO52 and the Certificate of Compliance (Large Yacht). All Marine Orders referred to in this Annex can be accessed on the Marine Order page link on the AMSA website at www.amsa.gov.au

¹ See <http://www.gov.uk/government/publications> and search for the *large commercial yacht code*. The United Kingdom 'Large commercial yacht code' published in May 2014 by the Maritime and Coastguard Agency as MS174/004/055 is directly available at: <https://www.gov.uk/government/publications/ly3-the-large-commercial-yacht-code>

² Large yacht is defined in section 4 of MO52.

³ See section 10 of MO52. Note there are some exceptions for transition arrangements.

1. FOREWORD TO THE AUSTRALIAN NATIONAL ANNEX

- 1.1 The *Large Commercial Yacht Code* is the third version of the code. It was first published in 1997 as the Code of Practice for the Safety of Large Commercial Sailing and Motor Vessels (LY1). The LY3 version incorporated requirements to give effect to the Maritime Labour Convention (MLC) 2006 that entered into force on 20 August 2013.
- 1.2 Australia is implementing the LY3 Code as modified for Australia by this Annex to provide the survey and certification standards for large yachts as defined in MO52. Yachts not covered under the LY3 Code (i.e. less than 24 in Load Line Length) must comply with survey and certification requirements of MO52 as applied to the yacht and *Marine Order 31 (Vessel surveys and certification) 2015*, as a cargo ship.
- 1.3 Australia has notified the International Maritime Organization⁴ of the implementation of the LY3 Code in Australian law. The application is to large yachts as an equivalent arrangement under the provisions of Article 8 of the *International Convention on Load Lines 1966*, Regulation I-5 of the *International Convention for the Safety of Life at Sea*, and Article 9 of the *International Convention on Standards of Training Certification and Watchkeeping for Seafarers 1978*, as amended.
- 1.4 It is recommended that where applicable, Australian recreational vessels comply with LY3 Code as modified by this Australian National Annex.

NOTE: This Annex contains specific national requirements and information for regulated Australian vessels that are defined as large yachts in MO52. These requirements use the same section numbers as the LY3 Code.

Where a requirement is listed it replaces the corresponding text in the LY3 Code, or is additional new text for Australia.

Where no reference is made to a section number, the requirements of the text as published in the LY3 Code are to be complied with.

⁴ Reference the IMO Circular Letter Number when published.

2. DEFINITIONS

2.1 Definitions in the *Navigation Act 2012* and MO52 assist in interpreting this Annex.

2.2 The following definitions are used in this Annex, and where used in the LY3 Code are modified.

Term	Definition
Administration	Australian Maritime Safety Authority (AMSA)
Aviation Inspection Body	means the Civil Aviation Safety Authority (CASA).
Commercial vessel	means a vessel which is not a recreational vessel and is not used for government or research activity.
MO	is the acronym for a Marine Order. Marine Orders issued under the <i>Navigation Act 2012</i> can be accessed on the Marine Order page link on the AMSA website at www.amsa.gov.au
MO52	means <i>Marine Order 52 (Yachts and training vessels) 2016</i> made under the <i>Navigation Act 2012</i> .
Merchant Shipping Notice	means a Marine Notice issued by AMSA.
New vessel	means a vessel to which this Code applies, the keel of which was laid or the construction or lay-up was started on or after 1 March 2016.
National Standard for Commercial Vessels (NSCV)	Defined in the <i>Marine Safety (Domestic Commercial Vessels) Domestic Law Act 2012</i>
Overseas voyage	defined in section 16 of the <i>Navigation Act 2012</i> .
Pleasure vessel	has the same meaning as 'recreational vessel' defined in the <i>Navigation Act 2012</i> (section 14).
Trainee	defined in MO52. Minimum age of a trainee shall not be less than 16 years of age (refer to 'trainee' definition in LY3 Code) unless a lower age has been requested, which will be dealt with by AMSA on a case by case basis.
Recognised Organisation (RO)	Means an organisation prescribed in <i>Marine Order 1 (Administration) 2015</i> Schedule 1 for the purposes of section 14 of the <i>Navigation Act 2012</i> . For the purposes of the LY3 Code a Classification Society is taken to mean a

	Recognised Organisation.
To Sea	means ' <i>taken to sea</i> ' as defined by section 22 of the <i>Navigation Act 2012</i> .

3 APPLICATION AND INTERPRETATION

3.1.2 This section does not apply in relation to regulated Australian vessels.

3.3.1 Refer to MO52.

3.3.2 Refer to MO52.

3.3.3.4 Vessels, the keels of which were laid or were at a similar stage of construction before 1 March 2016, which have and have been or are currently under survey to LY1, LY2 or LY3, may be considered under the basis of the equivalence provisions in MO52, in relation to the standards in force at the time of initial survey with the exception of the sections mentioned in 3.3.3.4 (a-h), must comply with:

- a) Marine Order 25 for lifejackets
- b) Marine Order 27 for radio equipment
- c) Marine Order 21 for vessels of 300GT and over have long-range identification and tracking of ships (LRIT) fitted
- d) Marine Order 21 for vessels of 150GT and over have a bridge navigational watch alarm system (BNWAS) fitted
- e) Marine Orders 21, 70, 71, 72, 73, 74 for addressing manning and seafarer certification
- f) Marine Order 11 Division 6 for engagement and working conditions of seafarers
- g) Marine Order 31 for vessels under 500GT for safety management.

3.3.3.6 If this Annex conflicts with the LY3 Code then the requirements of the Annex apply.

4 CONSTRUCTION AND STRENGTH

4.2.1 All vessels must be constructed in accordance with the requirements of a Recognised Organisation.

12 FREEBOARD

12.2.1 The deck and load line marks must comply with Regulations 4 and 5 of the International Convention on Load Lines. An All Seasons 'grid' may be used, comprising the Mark required by Regulation 5 and the Freshwater Mark required under Regulation 6 (e).

Note: Where an All Seasons 'grid' is applied, the Summer Load Line is marked corresponding to either the assigned:

- (i) Winter Load waterline, or*
- (ii) Winter North Atlantic Load Line*

Vessels assigned an All Seasons 'grid' pay a 'dead weight penalty' during the Seasonal Summer Periods as defined in Annex II of the International Convention on Load Lines.

13 LIFE SAVING APPLIANCES

13.2.2.1 The liferafts specified in this paragraph of the Code provided with the equipment required to be carried by a liferaft in paragraph 4.1.5.1 of the IMO Life Saving Appliances Code (LSA Code) is modified as follows:

(a) the first-aid outfit must comply with Schedule 2 of *Marine Order 25 (Equipment - lifesaving) 2014*;

(b) in addition to the requirement of an efficient radar reflector or search and rescue locating device in the LSA Code, the liferaft must also have an EPIRB that:

- (i) is suitable for the operational area of the vessel; and
- (ii) is registered with AMSA; and
- (iii) meets:

(A) AS/NZS 4280.1:2003 *406MHz satellite distress beacons — Marine emergency position-indicating radio beacons (EPIRB)* (IEC 61097-2:2002, MOD); or

(B) another standard approved by AMSA.

Note 1: Depending on the intended area of operation of the vessel, a Class 3, 406MHz beacon as described in AS/NZS 4280.1:2003 may be suitable for a liferaft. A Class 3 beacon, however, is not suitable for use in temperatures below -20°C. Under section 8 of Marine Order 25, AMSA may exempt a vessel from the requirement that a life raft carry an EPIRB. Serialised coding of EPIRBs is recommended.

Note 2: See AMSA's website at <http://www.amsa.gov.au> for information about how to register a 406MHz EPIRB.

13.2.4.1 One adult SOLAS approved lifejacket should be provided for each person onboard plus spare adult lifejackets sufficient for at least 10% of the total number of persons onboard or two, whichever is the greater. Each lifejacket should be fitted with a light and whistle. In addition to the above a sufficient number of lifejackets stowed in working spaces for the use of seafarers who may be required to remain on duty in those spaces, should be provided.

16 RADIO

- 16.3.1 All yachts > 300GT should comply with *Marine Order 27 (Radio equipment) 2009* which gives effect to SOLAS Chapter IV. All yachts (short range or otherwise) < 300GT should comply with the functional requirements of section 7.2 of *Marine Order 27 (Radio equipment) 2009*, examples of radio installations are provided in Schedule 6 to Marine Order 27, 'GMDSS equipment for vessels to which Chapter IV of SOLAS does not apply'.

17 NAVIGATION LIGHTS, SHAPES AND SOUND SIGNALS

- 17.1 All vessels are to comply with the *International Regulations for Preventing Collisions At Sea, 1972*, as amended, implemented by *Marine Order 30 (Prevention of collisions) 2009*.

18 NAVIGATIONAL EQUIPMENT AND VISIBILITY FROM WHEELHOUSE

18.3 ADDITIONAL REQUIREMENTS

- 18.3.1 In addition to the requirements of 18.1 and 18.2, all vessels are to comply with the applicable requirements of *Marine Order 21 (Safety of navigation and emergency procedures) 2012*.

21 ACCOMMODATION

21A ACCOMMODATION and RECREATIONAL FACILITIES FOR VESSELS < 200GT CONSTRUCTED ON OR AFTER THE DATE OF ENTRY INTO FORCE OF THE MLC 2006

Vessels should comply with requirements of *Marine Order 11 (Living and working conditions on vessels) 2015* (MO11) which gives effect to MLC 2006 accommodation and recreational facility requirements.

For the purposes of subsection 38(2) of MO11 arrangements complying with the Code are deemed to meet Section C1 of the NSCV.

- 21A1.1 The term 'trade internationally' has the same meaning as 'overseas voyage' defined in section 16 of *Navigation Act 2012*.

21B ACCOMMODATION and RECREATIONAL FACILITIES FOR VESSELS ≥ 200GT CONSTRUCTED ON OR AFTER THE DATE OF ENTRY INTO FORCE OF THE MLC 2006

Vessels should comply with requirements of MO11 as applicable to the vessel.

22 PROTECTION OF PERSONNEL

22.3.1 The vessel is to include procedures facilitating safe working for all operations on board, complying with section 1.2.3. of the ISM Code. Guidance can be taken from the relevant Safe Work Australia Codes of Practice. See <http://www.safeworkaustralia.gov.au/sites/swa/model-whs-laws/model-cop/pages/model-cop>

22.5 Noise

22.5.6 In addition to the above, vessels constructed after 20 August 2013 being 1600GT and above, should comply with subsection 52(2) of MO11. For other vessels, the IMO Resolution MSC.337 (91) is to be applied as far as is reasonable and practicable.

22.6 Lifts

22.6.1 Vessel may comply with either:

- the LY3 Code requirements mentioned in LY3 Code section 22.6, or
- *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2009* Schedule 1 Section 8.

These standards must not be combined.

22.6.2 Dumb-waiters must be constructed of steel or equivalent material and comply with the highest vertical fire zone rating through which the trunk passes with regard to structural fire protection, detection and extinguishing arrangements.

23 MEDICAL STORES

All vessels are to meet the requirements of section 68 of MO11.

24 SHORE-SHIP TRANSFER OF PERSONNEL

24.1.3 Each tender should be clearly marked with the number of persons (mass 82.5 kg) that it can safely carry, and the name of the parent vessel.

24.2.1.1 Construction requirements for:

- vessels 500GT and above, SOLAS II-2 Regulation 18 and Class Rules are to be applied
- vessels of less 500GT, the vessel is to comply with class rules and substantially comply with SOLAS II-2 Regulation 18 to the satisfaction of the AMSA.

24.3 Pilot transfer arrangements should comply with IMO circular MSC.1/Circ.1428 '*Pilot transfer arrangements – required boarding arrangement for pilots*', in addition to meeting SOLAS Chapter V, Regulations 23.

- 24.5.8 Diving systems to which IMO Resolution A.831 (19) *Code of safety for diving systems* is expressed to apply, are to comply with that Code. Any other diving operations must be undertaken in accordance with procedures that are in the vessel's safety management system, as appropriate, for key onboard operations.

25 CLEAN SEAS

- 25.1 Vessels should comply with all MARPOL requirements provided for in the *Navigation Act 2012* and the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and by:

- *Marine Order 91 (Marine Pollution Prevention – Oil) 2014*
- *Marine Order 96 (Marine Pollution Prevention – Sewage) 2013*
- *Marine Order 95 (Marine Pollution Prevention – Garbage) 2013*
- *Marine Order 97 (Marine Pollution Prevention – Air) 2013.*

For vessels of less than 400GT where MARPOL certification is not required, the vessel must demonstrate compliance with MARPOL. A Statement of Compliance issued by a RO will provide proof to demonstrate this compliance. Alternatively a vessel owner may request full MARPOL certification.

Vessels that may operate in Polar Regions must also comply with section 3.2.2 of the LY3 Code.

- 25.4 Every vessel over 400 GT must comply with *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006* and *Marine Order 98 (Marine pollution prevention - anti-fouling systems) 2013 (MO98)* requirements for survey and certification.

- 25.4.1 Every vessel over 24m in length but less than 400GT must have on board an anti-fouling declaration as prescribed by MO98.

25.5 Asbestos on Australian vessels

Australian vessels are to be asbestos free. Refer to Marine Notice 2016/02 – Asbestos on ships. See Table 2.

25.6 Ballast water and biofouling management on vessels

- 25.6.1 All vessels must comply with Australian ballast water arrangements. Those yachts that have installed ballast water systems are required to have a ballast water management plan. This is a quarantine issue for Australia and is administered by the Department of Agriculture. See:

<http://www.agriculture.gov.au/biosecurity/avm/vessels/quarantine-concerns/ballast>

- 25.6.2 All vessels must comply with Australian biofouling maintenance guidelines for yachts. This includes recording all anti-fouling paint application and biofouling maintenance work carried out on the vessel. This is a quarantine

issue for Australia and is administered by the Department of Agriculture. See:
<http://www.agriculture.gov.au/biosecurity/avm/vessels/quarantine-concerns/biofouling/management-requirements>

26 MANNING AND PERSONNEL CERTIFICATION

26.2.4 A training vessel may carry a combination of passengers and trainees. However, a training vessel operating under the Code must carry no more than 12 passengers at any time.

Proposals to carry trainees less than 16 years of age will be considered on a case by case basis on application to AMSA.

26.2.7 Vessels must have, and comply with, a Minimum Safe Manning Document (MSMD) issued by AMSA. Details and requirements for preparing and applying for a MSMD are at: <http://www.amsa.gov.au/vessels/manning/>

28 SURVEY, CERTIFICATION, INSPECTION AND MAINTENANCE

28.2.15 Vessels less than 500GT must hold a Certificate of Survey for a yacht or training vessel that meets the criteria in section 20 of MO52, instead of SOLAS certificate(s).

29 CREW AGREEMENTS

29.1 Seafarer Employment Agreements must be onboard and comply with MO11.

31 INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS Code)

Vessels should comply with the ISPS Code that is mandatory under Chapter XI-2 of SOLAS. The ISPS Code is administered by the Department of Infrastructure and Regional Development. See:
<http://www.infrastructure.gov.au/maritime/>

Table 1 – Certification required for yachts and training vessels

NOTE: The certification requirements in the following table covers all yachts and training vessels subject to Marine Order 52 not just 'Large Yachts'

Certification	Subject/ Convention	Application Limits	Details and Remarks	Reference (Marine Order or other)	Delegation/responsibility
International Tonnage Certificate	Tonnage ITC 69	≥ 24 metres	All vessels	MO19	Issuing Body ⁵
International Load Line Certificate	Load Line ILLC'66 as modified by the '88 Protocol	≥ 24 metres	Intact Stability & Subdivision Standard; Using equivalent standards of the Code	MO16	Issuing Body
	Inclining Test, Stability			MO12	Issuing Body
Cargo Ship Safety Construction Certificate	Construction SOLAS 74	≥ 500GT	Construction	MO12	Issuing Body
	Fire Protection SOLAS 74	≥ 500GT	Structural Fire Protection & Means of Escape - Using the equivalent standards of the Code	MO15	Issuing Body
Cargo Ship Safety Equipment Certificate	Fire Appliances SOLAS '74	≥ 500GT		MO15	Issuing Body
	Life Saving Appliances SOLAS '74	≥ 500GT	Life Saving Appliances	MO25	Issuing Body
	Navigation Equipment SOLAS '74	≥ 500GT	Navigation lights, sounds, signals etc.	MO30	Issuing Body
Cargo Ship Safety Radio Certificate	Radio SOLAS 74	≥ 300GT	Approved Service Provider's appointed by Issuing Body must be used for installation, testing of equipment.	MO27	Issuing Body
		< 300GT ⁶			

⁵ Issuing Body means AMSA or a Recognised Organisation identified in Schedule 1 of Marine Order 1 (Administration).

⁶ The Certificate of Survey issued to a Commercial Yacht of <300GT incorporates Radio equipment within the Record of Equipment (Form YY) attached to the certificate.

Certification	Subject/ Convention	Application Limits	Details and Remarks	Reference	Delegation/responsibility
Certificate of Survey for a Commercial Yacht		>24m, < 500GT		MO52 MO31	Issuing Body ⁷
Certificate of Survey for a Commercial Yacht		<24m, <500GT	These vessels are not subject to the LY3 code or the Australian National Annex.	MO52 (section 16(b) MO31	Issuing Body ⁸
Unrestricted			‘Unrestricted’ means a vessel that is not ‘Restricted’. ‘Restricted’ has the meaning consistent with the definition of a ‘Short Range Yacht’ in the Code.		
Restricted					
Safe Manning Document	Manning STCW 95	≥500GT	Must obtain a Manning Determination from AMSA	MOs 70, 71, 72, 73, 74.	AMSA
		<500GT			
International Oil Pollution Prevention Certificate (IOPP)	MARPOL Annex I	≥ 400GT	Pollution prevention equipment	MO91	Issuing Body
		< 400GT	‘Statements’, ‘Documents’ or ‘Attestations’ of Compliance to be issued by the Issuing Body. The Owner may request full IOPP certification		
International Sewage Pollution Prevention Certificate (ISPP)	MARPOL Annex IV	≥ 400GT, <400GT and ≥ 15 persons		MO96	Issuing Body
		< 400GT ≤ 15 persons	‘Statements’, ‘Documents’ or ‘Attestations’ of Compliance to be issued by the Issuing Body. The Owner may request full ISPP certification		

⁷ The same certificate of survey format is used for all vessels of less than 500GT, including those not subject to the LY3 code. The limitations in the certificate of survey and the details in the Certificate of Compliance will identify where a large yacht is either unrestricted or restricted.

⁸ The same certificate of survey format is used for all vessels of less than 500GT, including vessel of less than 24m that are not subject to the LY3 code.

Certification	Subject/ Convention	Application Limits	Details and Remarks	Reference	Delegation/responsibility
(None required)	MARPOL Annex V	≥ 100GT, ≥15 persons	At the request of the Owner, 'Statement' or 'Document' of Compliance to demonstrate may be issued by the issuing body or class.	MO95	Issuing Body
International Air Pollution Prevention (IAPP) Certificate	MARPOL Annex VI	≥ 400GT		MO97	Issuing Body
Engine International Air Pollution Prevention (EIAPP) Certificate		Marine diesel engines ≥ 130kW	NO _x requirements of Regulation 13 refers.		
International Energy Efficiency (IEE) Certificate		≥ 400GT	Includes Ship Energy Efficiency Management Plan (SEEMP)		
Safety Management Certificate	International Safety Management Code	≥500GT		MO58	AMSA
		< 500GT	Comply with Section 30 of the Code.	MO31 (Schedule 2 item 2.2)	Issuing Body
International Ship Security Certificate	International Ship and Port Facility Security Code	≥500GT	See: http://www.infrastructure.gov.au/transport/security/maritime/isps/		Australia Department of Infrastructure and Regional Development
International Anti-Fouling System Certificate	International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001	≥24m >400GT		MO98	Issuing Body
Declaration on Anti-fouling System		≥24m but <400GT		MO98.	Owner or Owner's Authorised Agent
Maritime Labour Certificate	Maritime Labour Convention, 2006	≥500GT	Seafarer living & working conditions.	MO11 (Section 78(2))	Issuing Body
		≥200GT but <500GT		MO11 (Section 78(3))	
Certificate of Compliance for a Large Yacht	Various	≥ 24m	This certificate confirms compliance with the LY3 Code as amended by the Australian National Annex.	MO52	Issuing Body

Table 2 Miscellaneous Supporting Documentation/Certification for yachts and training vessels

Documentation /Certification	Subject/ Convention	Limits	Details and Remarks	Regulation	Delegation/Responsibility
Asbestos Free declarations and supporting documentation, Certificate/report			SOLAS Ch. II-I Reg. 3-5.2 has required the same prohibition from 1 January 2011. All Australian vessels irrespective of size from 31 December 2003.	AMSA Marine Notice 2014/10 MO12 (section 9.1)	Refer to IMO Circulars MSC.1/1374, MSC.1/1426, placing the obligation on the Administration or the recognised organisation (Issuing Body) and IACS UI SC249. See the Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003, (sections 2.13 to 2.22).
Australian requirements: Ballast water management plan and reporting.	Ballast water - International Convention for the Control and Management of Ship's Ballast Water and Sediments (not yet in force internationally)	All	See: http://www.agriculture.gov.au/biosecurity/avm/vessels/quarantine-concerns/ballast		Australia Department of Agriculture
Australian requirements: Biofouling maintenance guidelines and log book		All	Recording all biofouling maintenance work on a vessel. See: http://www.agriculture.gov.au/biosecurity/avm/vessels/quarantine-concerns/biofouling		Australia Department of Agriculture
Documentation /Certification	Subject/ Convention	Limits	Details and Remarks	Regulation	Delegation/Responsibility
Wreck Removal Certificate of Insurance	Nairobi International Convention on the Removal of Wrecks, 2007	≥300GT	Australia is not currently a Party to the Wreck Removal Convention. Ships flagged in countries that are not parties will need to obtain a certificate from a relevant authority in a State Party.	See Marine Notice 4/2015:	A full list of signatory State Parties is available on the IMO website: www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx
Documentation /Certification	Subject/ Convention	Limits	Details and Remarks	Regulation	Delegation/Responsibility

Certificate of Insurance or other Financial Security in respect of Civil Liability for Bunker Oil Pollution Damage.	International convention on Civil Liability for Bunker Oil Pollution, 2001	≥1000GT		<i>Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008</i> Marine Notice 06/2015	AMSA
Relevant insurance certificate	International Convention on Civil Liability for Oil Pollution Damage	≥400GT up to 1000GT	Proof of possession of adequate insurance cover.	Part IIIA of the <i>Protection of the Sea (Civil Liability) Act 1981</i> . Marine Notice 06/2015	AMSA