

# AMSA REGULATORY CONSULTATION

**Draft *Marine Order 52 (Yachts and training vessels) 2022* is open for external consultation until 9 October 2022.**

We invite you to make comment on this draft *Marine Order 52 (Yachts and training vessels) 2022* by using the following link:

Have your say—make a submission [here](#)

## **Who does this Order apply to?**

Marine Order 52 applies to:

- a regulated Australian vessel (RAV) that is a yacht or training vessel; and
- a foreign vessel that is a yacht or training vessel as applicable.

## **Background**

MO52, last reviewed in 2016, establishes survey and certification requirements for RAVs that are yachts, including 'large yachts', or training vessels. The current MO52 gives effect to the Red Ensign Group (REG) Large Commercial Yacht Code, known as the LY3 Code, as modified for Australia in the *Australian National Annex to the LY3 Code*.

In 2019 the LY3 Code was replaced by the REG Yacht Code Part A. The REG Yacht Code Part A further develops well-established industry standards and adopts more from industry best practice. It also seeks to provide more flexibility and innovation in yacht design and construction, while still meeting safety standards.

Like the LY3 Code, the REG Yacht Code Part A provides an alternative means for affected vessels to comply with relevant parts of the Safety of Life at Sea (SOLAS) Convention, the Load Line Convention, the Maritime Labour Convention and the Standards of Training, Certification and Watchkeeping (STCW) Convention, given their particular mode of operation.

MO52 requires updating to reflect the REG Yacht Code Part A and the *Australian National Annex to the REG Yacht Code Part A*.

## **What are the key changes?**

The key changes in the updated MO52 are as follows.

- MO52 has been updated to reference the *REG Yacht Code Part A* and the *Australian National Annex to the REG Yacht Code Part A*.
- MO52 has been formatted and restructured in line with the most current drafting style.
- The definitions within MO52 have been updated to streamline the marine order, and address changes between the LY3 Code and the REG Yacht Code Part A.

## **Commencement**

It is intended that the Marine Order 52 (Yachts and training vessels) 2022 will commence on **1 January 2023**.

All changes are yellow highlighted and deleted texts from the current MO52 are shown as strikethrough.

<b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z	<b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A	<b>Notes on changes</b>
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<b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z	<b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A	<b>Notes on changes</b>
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<b>Division 1 Preliminary</b>	<b>Division 1 Preliminary</b>	
<b>1 Name of Order</b> This Order is <i>Marine Order 52 (Yachts and training vessels) 2016</i> .	<b>1 Name of Order</b> This <b>Marine</b> Order is <i>Marine Order 52 (Yachts and training vessels) 2022</i> .	The title has been updated with intended issue year.
	<b>1A Commencement</b> This Marine Order commences on 1 January 2023.	A commencement provision has been included, given this is a re-issue of the marine order.

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
	<p><b>1B Repeal of Marine Order 52 (Yachts and training vessels) 2016</b> <i>Marine Order 52 (Yachts and training vessels) 2016 is repealed.</i></p>	<p>A provision to repeal the current marine order has been included.</p>

<p align="center"><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p align="center"><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p align="center"><b>Notes on changes</b></p>
<p><b>2 Purpose</b></p> <p>This Order:</p> <p>(a) provides for the survey, maintenance and certification of yachts and training vessels; and</p> <p><del>(b) adopts the LY3 Code as modified for Australia for regulated Australian vessels that are large yachts.</del></p> <p><i>Note for paragraph (a)</i> — A yacht need not be designed to carry sail — see definition of <b>yacht</b> in section 4. A training vessel may be either a sailing or a motor vessel — see definition of <b>training vessel</b> in section 4.</p> <p><i>Note for paragraph (b)</i> — The LY3 Code is the UK Large Commercial Yacht Code — see definition of <b>LY3 Code</b> in section 4. A large yacht is at least 24 m in load line length and may be a training vessel — see definition of <b>large yacht</b> in section 4.</p>	<p><b>2 Purpose</b></p> <p>This <b>Marine</b> Order:</p> <p>(a) provides for the survey, maintenance and certification of yachts and training vessels; and</p> <p><b>(b) prescribes compliance with Part A of the Red Ensign Group Yacht Code as modified for Australia for yachts ≥24 m in length.</b></p>	<p>The text has been updated to reference the new Red Ensign Group Yacht Code, and remove reference to the previous LY3 Code.</p> <p>The notes have been removed as these are covered in the Definitions section.</p>

<p><b>3 Power</b></p> <p>(1) The following provisions of the Navigation Act provide for this Order to be made:</p> <p>(a) subsection 98(1) which provides that the regulations may provide for safety certificates;</p> <p>(b) paragraph 98(3)(a) which provides that the regulations may provide that vessels in a particular class must have safety certificates of specified kinds, either generally or in specified circumstances, including certificates relating to survey;</p> <p>(c) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, criteria to be satisfied for their issue by issuing bodies;</p> <p><del>(d)</del> subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations;</p> <p><del>(e)</del> subsection 342(4) which provides that a Marine Order may provide for a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force or existing at a particular time or from time to time.</p> <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make orders about matters that can be provided for by regulation.</p>	<p><b>3 Power</b></p> <p>(1) The following provisions of the Navigation Act provide for this Marine Order to be made:</p> <p>(a) subsection 98(1) which provides that the regulations may provide for safety certificates;</p> <p>(b) paragraph 98(3)(a) which provides that the regulations may provide that vessels in a particular class must have safety certificates of specified kinds, either generally or in specified circumstances, including certificates relating to survey;</p> <p>(c) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, criteria to be satisfied for their issue by issuing bodies;</p> <p><b>(d) subsection 339(2) which provides for regulations to be made prescribing matters related to safe navigation and pollution prevention;</b></p> <p><b>(e)</b> subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations;</p> <p><b>(f)</b> subsection 342(4) which provides that a Marine Order may provide for a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force or existing at a particular time or from time to time.</p> <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make orders about matters that can be provided for by regulation.</p>	<p>The new text has been included to align the Marine Order with the power provisions of the <i>Navigation Act 2012</i> and ensure the Marine Order is as comprehensive as possible.</p>
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## 4 Definitions

(1) In this Order:

~~*certificate of survey appropriate to the voyage* means a certificate of survey appropriate to the voyage that was issued for a sailing vessel under *Marine Order 52 (Sailing vessels) 1999*.~~

~~*certificate of compliance (large yacht)*—see section 10.~~

~~*certificate of survey for a yacht or training vessel*—see section 18.~~

~~*GT*, for a vessel, means the gross tonnage of the vessel.~~

~~*large yacht* means a vessel that:~~

~~(a) is at least 24 metres long; and~~

~~(b) is:~~

~~—— (i) for commercial use for sport or pleasure; or~~

~~—— (ii) a training vessel; and~~

~~(c) does not carry cargo; and~~

~~(d) does not carry more than 12 passengers.~~

~~*Note for paragraph (a)*—This means a vessel that is at least 24 m in load line length—see definition of *length* in *Marine Order 1 (Administration) 2013*.~~

~~*Note 1*—A large yacht need not be designed to carry sail.~~

~~*Note 2*—AMSA may determine that a vessel is for commercial use for sport or pleasure—see section 9.~~

~~*LY3 Australian National Annex* means the Australian National Annex to the Large Commercial Yacht Code (LY3) published by AMSA, as in force from time to time.~~

~~*LY3 Code* means *LY3 The Large Commercial Yacht Code* published by the Maritime and Coastguard Agency of the United Kingdom in August 2012, as in force from time to time.~~

~~*Note*—The LY3 Code was available in February 2016 from the publications page of the Government of the United~~

## 4 Definitions

(1) In this **Marine** Order:

***Australian National Annex*** means the latest edition of the Australian National Annex to Part A of the Red Ensign Group Yacht Code published by AMSA.

***Certificate of Survey for a Cargo Vessel*** has the same meaning as in *Marine Order 31 (SOLAS and non-SOLAS certification) 2019*

***IS Code*** means the *Code on Intact Stability, 2008* adopted by IMO Resolution MSC.267(85), as in force from time to time.

***Passenger Vessel Safety Certificate*** has the same meaning as in Marine Order 31 (SOLAS and non-SOLAS certification) 2019.

***Red Ensign Group Yacht Code as modified for Australia*** means Part A of the Red Ensign Group Yacht Code as modified by the Australian National Annex.

***Note*** The Red Ensign Group Yacht Code and the Australian National Annex are available on the AMSA website at <http://www.amsa.gov.au>.

***sailing vessel*** means a vessel designed to carry sail as a supplementary or sole means of propulsion.

***SOLAS certificate*** has the same meaning as in *Marine Order 31 (SOLAS and non-SOLAS certification) 2019*.

***trainee*** means a person who:

(a) is receiving instruction in relation to the business of the vessel; and

(b) has signed an agreement with a vessel's owner or master to travel on the vessel in the capacity of a trainee.

***Note*** A trainee of a training vessel is not a seafarer or a passenger of the vessel.

A trainee is not a passenger despite any contribution to the cost of the voyage.

***training vessel*** means a vessel that:

(a) does not carry >12 passengers; and

(b) is either a sailing vessel or a motor vessel; and

Some definitions have been removed as these issues are addressed within the body of Marine Order 52, and there is no need for a definition to be included.

The addition and deletion of other definitions is to align the Marine Order with the REG Yacht Code and the associated Australian National Annex.

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p>Kingdom's website at <a href="http://www.gov.uk/government/publications">http://www.gov.uk/government/publications</a>.</p> <p><b>LY3 Code as modified for Australia</b> means the LY3 Code other than the UK National Annex, as modified by the LY3 Australian National Annex.</p> <p><i>Note</i>—The LY3 Code together with the LY3 Australian National Annex is available on the AMSA website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p> <p><b>non-SOLAS certificate</b> has the same meaning as in <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i>.</p> <p><b>trainee</b> means a person who:</p> <p>(a) <del>meets the definition of <b>trainee</b> in the LY3 Code; and</del></p> <p>(b) <del>is certified by a qualified medical practitioner as being medically fit to be a trainee; and</del></p> <p>(c) has signed an agreement with a vessel's owner or master to travel on the vessel as a trainee.</p> <p><b>yacht</b> means a vessel that:</p> <p>(a) <del>is for commercial use for sport or pleasure; and</del></p> <p>(b) does not carry cargo; and</p> <p>(c) does not carry more than 12 passengers.</p> <p><i>Note 1</i>—A yacht need not be designed to carry sail.</p> <p><i>Note 2</i>—AMSA may determine that a vessel is for commercial use for sport or pleasure—see section 9.</p> <p>(2) <del>For paragraph (d) of the definition of <b>large yacht</b>, a trainee of a training vessel is not a passenger of the vessel.</del></p> <p>(3) <del>In this Order, the following terms have the same meaning as in the LY3 Code:</del></p> <p>(a) <del>sailing vessel;</del></p> <p>(b) <del>training vessel.</del></p>	<p>(c) is operated for a purpose that includes providing instruction on the business of the vessel in relation to:</p> <p>(i) the principles of responsibility, resourcefulness, loyalty and team endeavour; or</p> <p>(ii) navigation and seamanship, marine engineering or other shipboard related skills.</p> <p><b>yacht means</b> a vessel that:</p> <p>(a) does not carry cargo; and</p> <p>(b) does not carry &gt;12 passengers; and</p> <p>(c) has a commercial use that is related to the provision of a sport or pleasure activity.</p> <p><i>Note</i> A yacht need not be designed to carry sail.</p> <p>(2) A trainee on a training vessel is not a seafarer or a passenger of the vessel.</p> <p><i>Note 1</i> Some terms used in this Order are defined in Marine Order 1 (Administration) 2013, including:</p> <ul style="list-style-type: none"> <li>• equivalent</li> <li>• GT</li> <li>• length</li> <li>• National Standard for Commercial Vessels (or NSCV)</li> <li>• SOLAS</li> <li>• USL Code.</li> </ul> <p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <li>• inspector</li> <li>• regulated Australian vessel.</li> </ul> <p><i>Note 3</i> For delegation of AMSA's powers under this Order—see the AMSA website.</p> <p><i>Note 4</i> Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p>	



<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><del>Note 1</del> The LY3 Code definition of <b>training vessel</b> provides that a training vessel may be either a sailing or motor vessel. The LY3 Code defines a <b>sailing vessel</b> as a vessel designed to carry sail, whether as a sole means of propulsion or as a supplementary means.</p> <p>Note 2 Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> <li>• equivalent</li> <li>• length</li> <li>• National Standard for Commercial Vessels (or NSCV)</li> <li>• SOLAS</li> <li>• USL Code.</li> </ul> <p>Note 3 Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <li>• inspector</li> <li>• regulated Australian vessel.</li> </ul> <p>Note 4 For delegation of AMSA’s powers under this Order — see the AMSA website Marine Orders link at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p> <p>Note 5 Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>.</p>		

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<p><b>5 Interpretation</b></p> <p><del>In applying the LY3 Code as modified for Australia under this Order, each occurrence of <i>should</i> in the LY3 Code as modified for Australia is taken to mean <i>must</i>.</del></p>		<p>This section does not need to be included in the Marine Order. The Australian National Annex includes this interpretation.</p>
<p><b>6 Application</b></p> <p>(1) <del>This Order applies to a regulated Australian vessel that is a yacht, a training vessel or a large yacht.</del></p> <p><del><i>Note 1</i> — A yacht need not be designed to carry sail — see definition of <i>yacht</i> in section 4. A large yacht is at least 24 m in load line length and may be a training vessel — see definition of <i>large yacht</i> in section 4.</del></p> <p><del><i>Note 2</i> — A training vessel may be either a sailing or motor vessel — see definition of <i>training vessel</i> in section 4.</del></p> <p>(2) <del>This Order applies to a foreign vessel that is a yacht, a training vessel or a large yacht as set out in Division 4.</del></p>	<p><b>5 Application</b></p> <p>This Order applies to:</p> <p>(a) a regulated Australian vessel that is a yacht or training vessel; and</p> <p>(b) other than Divisions 2, 3 and 5 — a foreign vessel that is a yacht or training vessel.</p>	<p>The revised text improves drafting.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>7 Exemptions</b></p> <p><del>(1) The owner of a regulated Australian vessel may apply for an exemption of the vessel from a requirement of this Order in accordance with the application process set out in Division 3 of <i>Marine Order 1 (Administration) 2013</i>.</del></p> <p><del>(2) AMSA may give an exemption only if satisfied that:</del></p> <p style="padding-left: 20px;"><del>(a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and</del></p> <p style="padding-left: 20px;"><del>(b) giving the exemption would not contravene any of the following if it applies to the vessel:</del></p> <p style="padding-left: 40px;"><del>———— (i) SOLAS;</del></p> <p style="padding-left: 40px;"><del>———— (ii) the LY3 Code as modified for Australia;</del></p> <p style="padding-left: 40px;"><del>———— (iii) the USL Code;</del></p> <p style="padding-left: 40px;"><del>———— (iv) the National Standard for Commercial Vessels.</del></p> <p><del><i>Note</i> <i>Marine Order 1 (Administration) 2013</i> deals with the following matters about exemptions and equivalents:</del></p> <ul style="list-style-type: none"> <li><del>● making an application</del></li> <li><del>● seeking further information about an application</del></li> <li><del>● the time allowed for consideration of an application</del></li> <li><del>● imposing conditions on approval of an application</del></li> <li><del>● notification of a decision on an application</del></li> <li><del>● review of decisions.</del></li> </ul> <p><del>(3) An exemption is subject to any conditions AMSA imposes to ensure the safety of the vessel.</del></p> <p><del>(4) The owner of the vessel must comply with any conditions mentioned in subsection (3).</del></p>		<p>AMSA does not have the power to create an exemption in the Marine Order, as the REG Yacht Code is not a mandatory IMO Instrument. Instead AMSA relies on Section 334 of the Navigation Act. There is no need to reference Section 334 of the Navigation Act here.</p>

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<p><b>8 Equivalents</b></p> <p>(1) A person may apply, in accordance with the application process set out in Division 3 of <i>Marine Order 1 (Administration) 2013</i>, for approval to use an equivalent.</p> <p><i>Note</i> For definitions of <b>equivalent</b> and <b>use</b> — see section 6 of <i>Marine Order 1 (Administration) 2013</i>.</p> <p>(2) AMSA may approve use of an equivalent only if satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.</p>	<p><b>6 Equivalents</b></p> <p>(1) A person may apply, in accordance with the application process set out in Division 3 of <i>Marine Order 1 (Administration) 2013</i>, for approval to use an equivalent.</p> <p><i>Note</i> For definitions of <b>equivalent</b> and <b>use</b> — see section 6 of <i>Marine Order 1 (Administration) 2013</i>.</p> <p>(2) AMSA may approve use of an equivalent only if satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.</p>	<p>The change reflects new numbering of the Marine Order.</p>
<p><b>9 <del>Determination that a vessel is for commercial use for sport or pleasure</del></b></p> <p><del>(1) AMSA may determine that a vessel is for commercial use for sport or pleasure if AMSA considers that the vessel is for that kind of use.</del></p> <p><del>(2) For subparagraph (b)(i) of the definition of <b>large yacht</b> or for paragraph (a) of the definition of <b>yacht</b>, a vessel determined by AMSA to be for commercial use for sport or pleasure is taken to be for commercial use for sport or pleasure.</del></p> <p><del>(3) A determination under subsection (1) is a reviewable decision for section 17 of <i>Marine Order 1 (Administration) 2013</i>.</del></p>		<p>This section has been removed as it is considered to be an unnecessary inclusion in the Marine Order. The decision about whether a vessel is for commercial use for sport or pleasure is made in the issuing of the Certificate of Survey, through the issue criteria.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>Division 2 Certificate of compliance (large yacht)</b></p> <p><b>40 Certificate of compliance (large yacht) required</b></p> <p>For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel that is a large yacht must have a certificate of compliance (large yacht).</p> <p><i>Note 1</i> It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a required safety certificate in force for the vessel.</p> <p><i>Note 2</i> A training vessel at least 24 m in load line length may be a large yacht — see definition of <b>large yacht</b> in section 4.</p> <p><i>Note 3</i> A large yacht <math>\geq 500</math> GT must also have any SOLAS certificate it is required to have under <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i>. It may also be required to have other certificates under other Marine Orders — see Table 1 to the Australian National Annex.</p>	<p><b>Division 2 Certificate of Compliance (large yacht)</b></p> <p><b>7 Certificate of Compliance (large yacht) required</b></p> <p>For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel that is a yacht <math>\geq 24</math> m in length must have a Certificate of Compliance (large yacht).</p> <p><i>Note 1</i> It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a required safety certificate in force for the vessel.</p> <p><i>Note 2</i> A training vessel <math>\geq 24</math> m in length may also be required to hold a Certificate of Compliance (large yacht) — see definition of <b>yacht</b> in section 4.</p> <p><i>Note 3</i> A yacht <math>\geq 24</math> m in length will also be required to hold a certificate mentioned in <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i>. It may also be required to have other certificates under other Marine Orders — see Table 1 to the Australian National Annex.</p>	<p>The new text avoids the need to refer to the definition of large yacht and clarifies the need for a SOLAS certificate and Certificate of Compliance.</p> <p>The new text also provides more clarity around the eligibility criteria, rather than referring to a definition.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>44 Applying for certificate of compliance (large yacht)</b></p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a certificate of compliance (large yacht) is a safety certificate.</p> <p>(2) Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a certificate of compliance (large yacht).</p> <p><i>Note</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.</p>	<p><b>8 Applying for Certificate of Compliance (large yacht)</b></p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a Certificate of Compliance (large yacht) is a safety certificate.</p> <p>(2) Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a Certificate of Compliance (large yacht).</p> <p><i>Note</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.</p>	<p>The change reflects new numbering of the Marine Order.</p>
<p><b>12 Criterion for issue of certificate of compliance (large yacht)</b></p> <p>For paragraph 100(1)(b) of the Navigation Act, the <del>critereion</del> for the issue of a certificate of compliance (large yacht) <del>for a large yacht is that the vessel and its equipment comply with the LY3 Code as modified for Australia.</del></p> <p><del><i>Note</i> The LY3 Code sets out requirements for construction, survey, certification, inspection and maintenance—see section 28 of the LY3 Code for survey and certification requirements. For survey requirements for existing vessels (as defined in the Code)—see subsection 3.3.3.4 of the LY3 Code as modified for Australia.</del></p>	<p><b>9 Criteria for issue of Certificate of Compliance (large yacht)</b></p> <p>For paragraph 100(1)(b) of the Navigation Act, the <del>critereion</del> <b>criteria</b> for the issue of a Certificate of Compliance (large yacht) <del>are:</del></p> <p><b>(a) the vessel is a yacht ≥24 m in length; and</b></p> <p><b>(b) the vessel, its equipment and appliances comply with the Red Ensign Group Yacht Code as modified for Australia.</b></p>	<p>The new text provides more clarity around the eligibility criteria, rather than referring to a definition.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>13 Conditions on certificate of compliance (large yacht)</b></p> <p>For paragraph 100(2)(a) of the Navigation Act, a certificate of compliance (large yacht) <del>for a large yacht</del> is subject to the condition that the vessel <del>and its</del> equipment and appliances are maintained to comply with the <del>LY3 Code as modified for Australia</del>.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Act.</p>	<p><b>10 Conditions on Certificate of Compliance (large yacht)</b></p> <p>For paragraph 100(2)(a) of the Navigation Act, a Certificate of Compliance (large yacht) is subject to the condition that the vessel, its equipment and appliances are maintained to comply with the Red Ensign Group Yacht Code as modified for Australia.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Act.</p>	<p>The revised text refers to the new Red Ensign Group Yacht Code, and removes reference to the LY3 Code.</p>
<p><b>14 Endorsement of certificate of compliance (large yacht)</b></p> <p>Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a certificate of compliance (large yacht) <del>for a large yacht by an issuing body</del>.</p> <p><i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p>	<p><b>11 Endorsement of Certificate of Compliance (large yacht)</b></p> <p>(1) Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a Certificate of Compliance (large yacht).</p> <p>(2) An issuing body may endorse the certificate.</p> <p><i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p>	<p>The new text improves drafting.</p>
<p><b>15 Duration of certificate of compliance (large yacht)</b></p> <p>A certificate of compliance (large yacht) comes into force, <del>and ceases to be in force</del>, in accordance with Regulation 14 of Chapter I of SOLAS <del>as if it were a SOLAS certificate other than a Passenger Ship Safety Certificate</del>.</p>	<p><b>12 Duration of Certificate of Compliance (large yacht)</b></p> <p>(1) A Certificate of Compliance (large yacht) comes into force in accordance with Regulation 14 of Chapter I of SOLAS.</p> <p>(2) A Certificate of Compliance (large yacht) remains in force for the period of 5 years unless:</p> <p>(a) a shorter period is specified in the certificate; or</p> <p>(b) the certificate ceases to be in force in accordance with Regulation 14 of Chapter I of SOLAS.</p>	<p>The wording change is to improve readability of the duration of the Certificate of Compliance, and to create consistency with other Marine Orders, particularly Marine Order 31.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>46 Variation of certificate of compliance (large yacht)</b> For subsection 101(1) of the Navigation Act, the criteria for variation of the certificate of compliance (large yacht) are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel complies with any requirements that apply to it under Marine Orders; and</li> <li>(b) if the variation is to be to the duration of the certificate, the variation complies with the requirements of Regulation 14 of Chapter I of SOLAS for the duration of the certificate including for the extension of the expiry date of the certificate as if it were a SOLAS certificate other than a Passenger Ship Safety Certificate.</li> </ul>	<p><b>13 Variation of Certificate of Compliance (large yacht)</b> For subsection 101(1) of the Navigation Act, the criteria for variation of the Certificate of Compliance (large yacht) are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel complies with any requirements that apply to it under Marine Orders; and</li> <li>(b) if the variation is to be to the duration of the certificate, the variation complies with the requirements of Regulation 14 of Chapter I of SOLAS for the duration of the certificate including for the extension of the expiry date of the certificate as if it were a SOLAS certificate other than a Passenger Ship Safety Certificate.</li> </ul>	<p>The change reflects a renumbering of the Marine Order.</p>



<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>47 Criteria for revocation of certificate of compliance (large yacht)</b></p> <p>For subsection 102 of the Navigation Act, the criteria for revocation of a certificate of compliance (large yacht) are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel does not comply with the <del>LY3 Code</del> as modified for Australia; or</li> <li>(b) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or</li> <li>(c) an endorsement required to be made to the certificate under section <del>14</del> has not been made; or</li> <li>(d) the vessel to which the certificate applies ceases to be registered in Australia; or</li> <li>(e) the owner of the vessel to which the certificate applies has requested the revocation; or</li> <li>(f) the certificate contains incorrect information.</li> </ul>	<p><b>14 Criteria for revocation of Certificate of Compliance (large yacht)</b></p> <p>For subsection 102 of the Navigation Act, the criteria for revocation of a Certificate of Compliance (large yacht) are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel does not comply with the <b>Red Ensign Group Yacht Code</b> as modified for Australia; or</li> <li>(b) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or</li> <li>(c) an endorsement required to be made to the certificate under section <b>11</b> has not been made; or</li> <li>(d) the vessel to which the certificate applies ceases to be registered in Australia; or</li> <li>(e) the owner of the vessel to which the certificate applies has requested the revocation; or</li> <li>(f) the certificate contains incorrect information.</li> </ul>	<p>The wording change has been made to refer to the new Red Ensign Group Yacht Code and delete reference to the LY3 Code.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>Division 3 Certificate of survey for a yacht or training vessel</b></p> <p><b>48 Certificate of survey for a yacht or training vessel required</b></p> <p>For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel <del>that is any of the following</del> must have a certificate of survey for a yacht or training vessel:</p> <p>(a) <del>a large yacht less than 500 GT;</del></p> <p>(b) <del>a yacht or training vessel less than 24 m long and less than 500 GT.</del></p> <p><del><i>Note for paragraph (a)</i> A large yacht is a commercial yacht at least 24 m in load line length and may be a training vessel — see definition of <b>large yacht</b> in section 4.</del></p> <p><i>Note 1</i> It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a required safety certificate in force for the vessel.</p> <p><i>Note 2</i> A vessel that has a certificate of survey for a yacht or training vessel may also be required to have other certificates under other Marine Orders — see Table 1 to the Australian National Annex for the certificate requirements for large yachts.</p>	<p><b>Division 3 Certificate of Survey for a Yacht or Training Vessel</b></p> <p><b>15 Certificate of Survey for a Yacht or Training Vessel required</b></p> <p>For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel must have a Certificate of Survey for a Yacht or Training Vessel <b>if:</b></p> <p><b>(a) the vessel is a yacht or training vessel; and</b></p> <p><b>(b) the vessel is &lt;500GT.</b></p> <p><i>Note 1</i> It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a required safety certificate in force for the vessel.</p> <p><i>Note 2</i> A vessel that has a Certificate of Survey for a Yacht or Training Vessel may also be required to have other certificates under other Marine Orders — see Table 1 to the Australian National Annex for the certificate requirements for yachts.</p> <p><b><i>Note 3</i> A vessel ≥300 GT is required to have a Cargo Vessel Safety Radio Certificate in accordance with <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019.</i></b></p>	<p>The new text also provides more clarity around the eligibility criteria, rather than referring to a definition.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>49 Applying for certificate of survey for a yacht or training vessel</b></p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a certificate of survey for a yacht or training vessel is a safety certificate.</p> <p>(2) Division 3 of <i>Marine Order 1 (Administration) 2013</i>, other than section 17, applies to an application to AMSA for a <del>certificate of survey for a yacht</del>.</p> <p><i>Note</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.</p>	<p><b>16 Applying for Certificate of Survey for a Yacht or Training Vessel</b></p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a Certificate of Survey for a Yacht or Training Vessel is a safety certificate.</p> <p>(2) Division 3 of <i>Marine Order 1 (Administration) 2013</i>, other than section 17, applies to an application to AMSA for a <b>Certificate of Survey for a Yacht or Training Vessel</b>.</p> <p><i>Note</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.</p>	<p>The wording change has been made to improve drafting.</p>

<p><b>20 Criteria for issue of certificate of survey for a yacht or training vessel</b></p> <p>(1) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a certificate of survey for a yacht or training vessel are as follows:</p> <p>(a) <del>for a large yacht less than 500 GT that the vessel complies with the requirements for the vessel that are mentioned in the LY3 Code as modified for Australia;</del></p> <p>(b) <del>for a yacht or training vessel less than 24 m long that the vessel and its equipment and appliances comply with:</del></p> <p style="padding-left: 20px;"><del>(i) the criteria for issue of a Certificate of Survey for a Cargo Vessel other than a Fishing Vessel under <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i>, and any requirements of the USL Code or the NSCV that apply to the vessel; and</del></p> <p style="padding-left: 20px;"><del>(ii) if the vessel does not comply with regulation 11 of Part B, and Part B1, of Chapter II-1 of SOLAS — the requirements of the USL Code for watertight subdivision of Class 2 vessels;</del></p> <p style="padding-left: 20px;">(iii) if the vessel is a sailing vessel — the intact stability of the vessel has been assessed using the intact stability criteria mentioned in the following clauses of section 8C of the USL Code:</p> <p style="padding-left: 40px;">(A) for monohulls — clause C.12;</p> <p style="padding-left: 40px;">(B) for cataramans and trimarans — clause C.14;</p> <p>(c) the issuing body has approved arrangements for damage stability and trim of the vessel during intermediate stages of flooding;</p> <p>(d) <del>for a sailing vessel other than a large yacht</del> the vessel is fitted with an auxiliary means of</p>	<p><b>17 Criteria for issue of Certificate of Survey for a Yacht or Training Vessel</b></p> <p>(1) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a Certificate of Survey for a Yacht or Training Vessel are as follows:</p> <p>(a) for a yacht <math>\geq 24</math> m in length — the vessel, its equipment and appliances comply with the Red Ensign Group Yacht Code as modified for Australia;</p> <p>(b) for any other yacht or training vessel not being a vessel mentioned in paragraph (a) — the vessel, its equipment and appliances comply with the criteria for issue of a Certificate of Survey for a Cargo Vessel under <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i> except:</p> <p style="padding-left: 20px;">(i) to the extent that the vessel does not comply with regulation 11 of Part B, and Part B1, of Chapter II-1 of SOLAS — the requirements of the USL Code for watertight subdivision of Class 2 vessels; and</p> <p style="padding-left: 20px;">(ii) if the vessel is a sailing vessel — the intact stability of the vessel maybe assessed using the intact stability criteria mentioned in the following clauses of section 8C of the USL Code:</p> <p style="padding-left: 40px;">(A) for monohulls — clause C.12;</p> <p style="padding-left: 40px;">(B) for catamarans and trimarans — clause C.14;</p> <p>(c) the issuing body has approved arrangements for damage stability and trim of the vessel during intermediate stages of flooding;</p> <p>(d) if the vessel is a sailing vessel <math>&lt; 24</math> m in length — the vessel is fitted with an auxiliary means of propulsion capable of propelling the vessel at least 6 knots in still water and calm air.</p> <p><i>Note for paragraph (c)</i> AMSA may impose on an approval the requirement for the vessel to carry specified damage</p>	<p>The wording change has been made to simplify drafting, by removing reference to tonnage. The change also links eligibility to hold a Certificate of Survey with the criteria for issue of a Certificate of Survey for Cargo Vessels in Marine Order 31.</p> <p>The criteria related to length has been retained to coincide with the application of the REG Yacht Code.</p>
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<b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z	<b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A	<b>Notes on changes</b>
<p>propulsion capable of propelling the vessel at least 6 knots in still water and calm air.</p> <p><i>Note for paragraph (c)</i> AMSA may impose on an approval the requirement for the vessel to carry specified damage control equipment such as collision mats, softwood wedges, quick drying cement and diving gear.</p> <p>(2) For subparagraph (1)(b)(<del>ii</del>), the issuing body must check damage stability calculations that take into account the design characteristics of the vessel and the arrangements, configuration and contents of the compartments that may be damaged.</p>	<p>control equipment such as collision mats, softwood wedges, quick drying cement and diving gear.</p> <p>(2) For subparagraph (1)b), the issuing body must check damage stability calculations that take into account the design characteristics of the vessel and the arrangements, configuration and contents of the compartments that may be damaged.</p>	

**24 Conditions on a certificate of survey for a yacht or training vessel**

For paragraph 100(2)(a) of the Navigation Act, a certificate of survey for a yacht or training vessel is subject to the following conditions:

- (a) ~~for a large yacht less than 500 GT — that the vessel complies with the requirements for the vessel that are mentioned in the LY3 Code as modified for Australia;~~
- (b) ~~for a yacht or training vessel less than 24 metres long:~~
  - ~~(i) that the vessel and its equipment and appliances are maintained to comply with the requirements mentioned in section 20 for issue of the certificate; and~~
  - (ii) ~~if the vessel is carrying sail:~~
    - (A) for a vessel that is of Class A or B of the USL Code — ~~the vessel carries the intact stability information mentioned in section 8.2 of Marine Order 12 (Ship construction and stability 2009); and~~
    - (B) for a vessel that is in Class C or D of the USL Code — the vessel carries the intact stability information mentioned in section 8A of the USL Code; and
- (c) after any required survey of the vessel has been completed — any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.

*Note* An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Act.

**18 Conditions on a Certificate of Survey for a Yacht or Training Vessel**

For paragraph 100(2)(a) of the Navigation Act, a Certificate of Survey for a Yacht or Training Vessel is subject to the following conditions:

- (a) that the vessel and its equipment and appliances are maintained to comply with the requirements for issue of the certificate; and
- (b) if the vessel is a sailing vessel to which the Red Ensign Group Yacht Code as modified for Australia does not apply:
  - (i) for a vessel that is of Class A or B of the USL Code either:
    - (A) if constructed before 1 July 2010 — the vessel carries information mentioned in clauses 8.C.12 and 8.C.13 of the USL Code 1993; and
    - (B) if constructed after 30 June 2010 — the vessel carries information in accordance with paragraph 3.6.7 of Part B of the IS Code; and
  - (ii) for a vessel that is in Class C or D of the USL Code — the vessel carries the intact stability information mentioned in section 8A of the USL Code 2008; and
- (c) after any required survey of the vessel has been completed — any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by an issuing body.

*Note* An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Act.

The wording changes have been made to improve drafting. The new text is a standard condition in other Marine Orders.

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>22 Endorsement of certificate of survey for a yacht or training vessel</b></p> <p>Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a certificate of survey for a yacht or training vessel by an issuing body.</p> <p><i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p>	<p><b>19 Endorsement of certificate of survey for a yacht or training vessel</b></p> <p>(1) Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a Certificate of Survey for a Yacht or Training Vessel by an issuing body.</p> <p>(2) <b>An issuing body may endorse the certificate.</b></p> <p><i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p>	<p>The wording change has been made to clarify power to enable delegation of the endorsement.</p>
<p><b>23 Duration of certificate of survey for a yacht or training vessel</b></p> <p>A certificate of survey for a yacht or training vessel comes into force, <del>and ceases to be in force, in accordance with Regulation 14 of Chapter I of SOLAS as if it were a SOLAS certificate for a cargo vessel.</del></p>	<p><b>20 Duration of Certificate of Survey for a Yacht or Training Vessel</b></p> <p>(1) A Certificate of Survey for a Yacht or Training Vessel comes into force:</p> <p>(a) on the day specified in the certificate; and</p> <p>(b) if a pre-existing certificate is held that is not expired — on completion of the renewal survey.</p> <p>(2) The certificate remains in force for the period of 5 years unless:</p> <p>(a) a shorter period is specified as the expiry date in the certificate; or</p> <p>(b) the vessel ceases to be registered in Australia; or</p> <p>(c) any survey or inspection is not completed in accordance with this Marine Order; or</p> <p>(d) the certificate is not endorsed in accordance with this Marine Order; or</p> <p>(e) the certificate is replaced by re-issue.</p>	<p>The wording change has been made to ensure consistency with Marine Order 31 around duration of the Certificate of Compliance.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>24 Variation of certificate of survey for a yacht or training vessel</b></p> <p>For subsection 101(1) of the Navigation Act, the criteria for variation of a certificate of survey for a yacht or training vessel are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel complies with any requirements that apply to it under Marine Orders; and</li> <li>(b) if the variation is to be to the duration of the certificate, the variation complies with <del>section 23</del>.</li> </ul>	<p><b>21 Variation of certificate of survey for a yacht or training vessel</b></p> <p>For subsection 101(1) of the Navigation Act, the criteria for variation of a Certificate of Survey for a Yacht or Training Vessel are that:</p> <ul style="list-style-type: none"> <li>(a) the vessel complies with any requirements that apply to it under Marine Orders; and</li> <li>(b) if the variation is to be to the duration of the certificate, the variation complies with the requirements of section 22 of <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i> as if the vessel had a Certificate of Survey for a Cargo Vessel.</li> </ul>	<p>The wording change inserts missing text from the deletion of text in section 23 in the current Marine Order.</p>
<p><b>25 Criteria for revocation of certificate of survey for a yacht or training vessel</b></p> <p>For subsection 102 of the Navigation Act, the criteria for revocation of a certificate of survey for a yacht or training vessel are that:</p> <ul style="list-style-type: none"> <li>(a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or</li> <li>(b) an endorsement required to be made to the certificate under section 22 has not been made; or</li> <li>(c) the vessel to which the certificate applies ceases to be registered in Australia; or</li> <li>(d) the owner of the vessel to which the certificate applies has requested the revocation; or</li> <li>(e) the certificate contains incorrect information.</li> </ul>	<p><b>22 Criteria for revocation of Certificate of Survey for a Yacht or Training Vessel</b></p> <p>For subsection 102 of the Navigation Act, the criteria for revocation of a Certificate of Survey for a Yacht or Training Vessel are that:</p> <ul style="list-style-type: none"> <li>(a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or</li> <li>(b) an endorsement required to be made to the certificate under section 19 has not been made; or</li> <li>(c) the vessel to which the certificate applies ceases to be registered in Australia; or</li> <li>(d) the owner of the vessel to which the certificate applies has requested the revocation; or</li> <li>(e) the certificate contains incorrect information.</li> </ul>	<p>The changes reflect renumbering of the Marine Order.</p>



<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>Division 4 Requirements for foreign vessels</b></p> <p><b>26 — Application of this Division</b></p> <p>This Division applies to a foreign vessel that is a yacht, a training vessel or a large yacht.</p> <p><i>Note 1</i> — A yacht need not be designed to carry sail — see definition of <i>yacht</i> in section 4. A large yacht is at least 24 m in load line length and may be a training vessel — see definition of <i>large yacht</i> in section 4.</p> <p><i>Note 2</i> — A training vessel may be either a sailing or motor vessel — see definition of <i>training vessel</i> in section 4.</p>	<p><b>Division 4 Requirements for foreign vessels</b></p>	<p>The deletion has been made to ensure consistency with other Marine Orders.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>27 — Certification requirements</b></p> <p>(1) <del>The foreign vessel must have and comply with any certificate that a Marine Order requires the vessel to have and comply with any other requirement of a Marine Order that applies to the vessel.</del></p> <p><i>Note</i> <del>See Marine Order 31 (SOLAS and non-SOLAS certification) 2019 for certification requirements of regulated Australian vessels and foreign vessels. Foreign vessels that are not required to be issued a certificate in accordance with Regulation 12 of Chapter I of SOLAS must have at least 1 certificate or other documentary evidence issued by or on behalf of the country in which it is registered that attests to the vessel's seaworthiness.</del></p> <p>(2) <del>The foreign vessel must have and comply with the certificates or other documentation issued for the vessel by the Administration of the country in which it is registered.</del></p> <p>(3) <del>A foreign vessel that is a large yacht must have and comply with any certificate mentioned in Annex 4 of the LY3 Code.</del></p> <p><i>Note 1</i> <del>It is an offence for the owner or master to take an unseaworthy vessel to sea — see sections 109 and 110 of the Navigation Act. An inspector may have regard to the LY3 Code when inspecting a foreign vessel that has been certified as complying with the LY3 Code.</del></p>	<p><b>23 Foreign vessels</b></p> <p>(1) A foreign vessel that is a yacht <math>\geq 24</math> m in length must comply with Part A of the Red Ensign Group Yacht Code.</p> <p>(2) A foreign vessel that is a yacht <math>&lt; 24</math> m in length or a training vessel must have at least 1 certificate, or other documentary evidence that:</p> <ul style="list-style-type: none"> <li>(a) attests to the vessel's seaworthiness; and</li> <li>(b) includes details of the vessel's area of operation, its equipment and manning requirements; and</li> <li>(c) demonstrates it complies with requirements of the Administration of the country in which the vessel is registered</li> </ul> <p><i>Note 1</i> See Marine Order 31 (SOLAS and non-SOLAS certification) 2019 for SOLAS certification requirements that also includes requirements for foreign vessels.</p> <p><i>Note 2</i> It is an offence for the owner and master to take a foreign vessel to sea without appropriate documents — see sections 106 and 107 of the Navigation Act. It is also an offence for the owner or master to take an unseaworthy vessel to sea — see sections 109 and 110 of the Navigation Act. An inspector may have regard to Part A of the Red Ensign Group Yacht Code when inspecting a foreign vessel that has been certified as complying with the Red Ensign Group Yacht Code.</p>	<p>The wording change has been made to ensure consistency with other Marine Orders.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>Division 5 — Transitional arrangements</b></p> <p><b>28 — Recognition of certificates issued under previous Order</b></p> <p><del>(1) A certificate of survey appropriate to the voyage for a vessel is taken to be in force under this Order if the certificate:</del></p> <p><del>(a) was issued for the vessel under a previous issue of this Order; and</del></p> <p><del>(b) was in force for the vessel on the day before commencement of this Order.</del></p> <p><del>(2) A vessel that has a certificate under subsection (1) must:</del></p> <p><del>(a) comply with <i>Marine Order 52 (Sailing vessels) 1999</i> as in force immediately before the commencement of this Order; and</del></p> <p><del>(b) be surveyed against the requirements of <i>Marine Order 52 (Sailing vessels) 1999</i> as in force immediately before the commencement of this Order, in accordance with Regulation 8 and 9 of Chapter I of SOLAS as if it were a cargo vessel.</del></p> <p><del>Note <i>Marine Order 52 (Sailing vessels) 1999</i> is available on the Comlaw website at <a href="http://www.comlaw.gov.au">www.comlaw.gov.au</a>.</del></p>		<p>This text is unnecessary. The current marine order mistakenly assumes that Certificates are being issued under the Marine Order rather than the Navigation Act.</p> <p>Any other transitional matters are more appropriately dealt with in the Australian National Annex.</p>

<p><b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z</p>	<p><b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A</p>	<p><b>Notes on changes</b></p>
<p><b>29 — <del>Variation or revocation of certificates issued under previous Order</del></b></p> <p><del>A certificate of survey appropriate to the voyage that is taken to be in force under this Order may be:</del></p> <p><del>(a) varied or revoked in accordance with <i>Marine Order 52 (Sailing vessels) 1999</i> as in force immediately before the commencement of this Order and as if paragraph 6.2D(b) of that Order referred to <i>Marine Order 31 (SOLAS and non-SOLAS certification) 2019</i>; or</del></p> <p><del>(b) revoked in accordance with this Order if, after the completion of any required survey of the vessel, AMSA has not approved any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings.</del></p>		<p>As above, this text is unnecessary. The current marine order mistakenly assumes that Certificates are being issued under the Marine Order rather than the Navigation Act.</p> <p>Any other transitional matters are more appropriately dealt with in the Australian National Annex.</p>

## Division 6 Other matters

### 30 Training vessels — trainee induction

- (1) The master of a training vessel carrying trainees must ensure that each trainee of the vessel before the vessel sails:
- (a) within 24 hours after joining the vessel for the first time — is given instruction designed to make the trainee familiar with the layout of the vessel; and
  - (b) within 24 hours after joining the vessel and at least each following week on the vessel — is given training in safety procedures, including the use of the fire fighting and life saving appliances of the vessel.

Penalty: — 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: — 50 penalty units.

*Note* — In this Order, **training vessel** has the same meaning as in the LY3 Code. The LY3 Code defines **training vessel** as meaning either a sailing or motor vessel which is operated to provide:

- (a) instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour; and/or
- (b) instruction in navigation and seamanship marine engineering or other shipboard related skills.

## Division 5 Other matters

### 24 Training vessels — general

- (1) The owner and master must ensure:

(a) a trainee is carried on board a vessel for the sole purpose of:

(i) receiving instruction in the principles of responsibility, resourcefulness, loyalty or team endeavour; or

(ii) instruction in navigation and seamanship, marine engineering or other competency related to the business of the vessel; and

(b) for any training task on board the vessel — a trainee is:

(i) provided proper instruction; and

(ii) set clear learning objectives; and

(iii) adequately supervised by competent and qualified personnel familiar with the business of the vessel; and

(c) the trainee has a valid certificate of medical fitness from a person registered as a medical practitioner in a State or Territory of Australia.

Penalty: 50 penalty units.

*Note for subparagraph (b)(i) Proper instruction means an approach designed to ensure trainees engage and have a good opportunity to understand their training task. A best practice approach would include clear, precise language for lesson style instruction, practical demonstration or experiential learning; providing opportunity for trainees to clarify confusing points and offer feedback; and ensuring that any task is manageable from a learning perspective.*

*Note for subparagraph (b)(ii) Clear learning objectives involve trainees being provided directions in relation to what they have to do to complete a training task, when they have to do it, how they do it, how the task connects to other tasks and why the task builds relevant knowledge/experience.*

The revised wording clarifies and simplifies drafting.

Additionally, the new text picks up obligations that were in the LY3 Code, but haven't been included in the REG Yacht Code.

<b>Marine Order 52 (Yachts and training vessels) 2016</b> MO 52 Compil 191119Z	<b>Draft Marine Order 52 (Yachts and training vessels) 2022</b> MO 52 220804A	<b>Notes on changes</b>
	<p><i>Note for subparagraph (c)(iii) Adequate supervision means crew or personnel who are able to dedicate their attention to supervising the training task and are not otherwise engaged in performing duties related to the business of the vessel necessary for safe manning.</i></p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	
<p><b><del>Notes to Marine Order 52 (Yachts and training vessels) 2016</del></b></p> <p><b><del>Note 1</del></b></p> <p><i><del>Marine Order 52 (Yachts and training vessels) 2016 (in force under subsection 342(1) of the Navigation Act 2012) as shown in this compilation comprises Marine Order 52 (Yachts and training vessels) 2016 amended as indicated in the following tables.</del></i></p> <p><b><del>Table of Orders</del></b></p> <p><b><del>Table of amendments</del></b></p>		<p>This is a re-issue so history table not relevant.</p>

## Consequential Amendments

### **Marine Order 31:**

A consequential amendment to Marine Order 31 (SOLAS and non-SOLAS certification) will be required as a result of the new Marine Order 52. A minor change to section 16 of Marine Order 31 is required to ensure that a vessel is not required to hold both a non-SOLAS certificate and Certificate of Survey for a Yacht or Training Vessel in circumstances when the vessel does not hold a SOLAS certificate.

### **Marine Order 74:**

Consequential amendments are required to be made to Marine Order 74 (Masters and deck officers – yachts) 2015. The changes are minor in nature and include changes to some definitions to ensure alignment with new Marine Order 52.