



**Australian
BORDER FORCE**

Australian Customs Notice No. 2019/46

The Special Recreational Vessels Act 2019

The *Special Recreational Vessels Act 2019* (SRV Act) is intended to allow 'special recreational vessels' (superyachts) to visit Australia for up to 12 months and conduct commercial activities without being regarded as imported under customs legislation.

The SRV Act achieves this by establishing a condition for qualifying special recreational vessels to 'opt in' to the coastal trading licence scheme established by the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (Coastal Trading Act). The Department of Infrastructure, Transport, Regional Development and Communications administers both the SRV Act and the Coastal Trading Act.

Any vessel that obtains a coastal trading licence through the new condition established by the SRV Act will be subject to the Australian Border Force's (ABF) existing arrangements for vessels operating under coastal trading licences.

Vessels that enter and operate in Australia in accordance with the SRV Act will be considered international commercial vessels rather than recreational vessels. The SRV Act does not change existing reporting and permissions for international commercial vessels operating in Australian waters under the coastal trading licence scheme.

Treatment of vessels operating under the SRV Act

Vessels that obtain a coastal trading licence through the SRV Act must comply with the standard reporting and operating requirements for international commercial vessels under the Coastal Trading Act and customs legislation.

Vessels covered by the SRV Act are required to:

- Report to the ABF details of the arrival, including who and what is on board.
 - All commercial vessels arriving into Australia must report their impending and actual arrivals to the ABF within the prescribed timeframes.
- Report the impending and actual arrivals at all subsequent ports of call in Australia in accordance with the prescribed timeframes.
- Obtain a Certificate of Clearance prior to departing a port.
- Have permission (under section 58 of the *Customs Act 1901*) to visit any places other than an appointed section 15 port.
 - Vessels covered by the SRV Act intending to arrive at or visit non-appointed ports must submit a request for permission through the Maritime Travellers Processing Committee (MTPC).
 - A request through the MTPC must be submitted no earlier than ten (10) business days prior than to the vessel intended arrival in Australia.

- Applications through the MTPC are not guaranteed approval. Vessels that arrive at a non-proclaimed port without prior approval will be subject to prescribed penalties.
 - Vessels approved for arrival at a non-proclaimed port may be subject to the owner/operator or handling agent meeting border clearance costs associated with the ABF attending these ports to clear the vessel/persons and goods to/from the vessel. ABF costs are separate to any charges applied by the Department of Agriculture for border clearance purposes.
 - Any changes to a vessel's intended schedule from its schedule previously approved by the MTPC must be resubmitted to the MTPC for consideration.
 - MTPC application forms can be requested through mtpc@abf.gov.au
- Report all goods loaded and offloaded from the vessel.
 - Comply with bond store release requirements for crew.
 - Acquit ship's stores (including bunkers) consumed during domestic voyages.
 - Comply with traveller clearance requirements
 - Provide a list of all travellers joining the vessel, including port of embarkation, a minimum of 24 hours prior to boarding.
 - Passengers joining the vessel may be required to provide photographic identification to the ABF.
 - Provide advice on crew sign on or sign off for Maritime Crew Visa holders, a minimum of 24 hours in advance, to arrange this activity.

Taxation Obligations

The Australian Taxation Office determines the taxation obligations that may apply in respect of a special recreational vessel and its activities in Australia.

To understand your tax obligations for income tax, employee withholding tax, goods and services tax, fuel tax credits, please email ForeignShipping@ato.gov.au and information will be provided.

Travellers

Crew

- In addition to the Temporary Activity visa (subclass 408 visa) crew of special recreational vessels may be eligible to apply for the Maritime Crew Visa (subclass 988). This visa class would only be applicable for periods where the vessel is involved in the carriage of passengers for reward.
- Crew sign on and sign off to be reported to the ABF office at the port in which this occurs.

Passengers

- There is no change to visa requirements for travellers. They must hold an appropriate visa commensurate with the proposed itinerary.
- In the event that a traveller embarking on a special recreational vessel wished to change their visa they would need to apply, and be eligible, for a new visa.

Once a charter ceases

A special recreational vessel may remain covered by the exemption from importation requirements under the Customs Act, as provided under section 112 of the Coastal Trading Act, while it undertakes commercial activities consistent with a licenced voyage. This may include, for example:

- Resupplying
- Refuelling
- Repositioning.

Once a special recreational vessel ceases commercial activities consistent with a licenced voyage, its status will depend on the vessel's subsequent activities. The ABF will assess the actual and intended circumstances of the vessel to determine if there is the requisite intention to import it. The subsequent treatment options may include:

- Completing an import entry and remaining in Australian waters
- Departing Australian waters and travelling to a place overseas
- Being assessed for eligibility, by an ABF officer, for a Conditioned Control Permit (CCP) that would allow the vessel to remain in Australian waters.
 - If granted a CCP the reporting requirements, including permission to visit a place other than a proclaimed port, remain as outlined in this Australian Customs Notice.
 - The CCP is conditional on the vessel not undertaking any commercial activities.

Undertaking Repairs and Maintenance

Vessels that obtain a coastal trading licence through the SRV Act may undertake maintenance and repair. This is conditional on the vessel meeting the requirements as set out in Australian Customs Notice 2014/61.

- All relevant circumstances, including consideration of a reasonable amount of time to undertake repairs of the kind the vessel is undergoing as well as whether there is any change in circumstances, such as ownership of the vessel, will be used to determine whether entry is appropriate in the situation.
- Imported replacement parts for repair of a vessel operating on a Conditioned Control Permit must be entered for home consumption with duty and GST paid before delivery to the vessel.

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