

Bulletin 364 - 05/04 - Restrictions on Discharge of 'Domestic Ballast Water' - Victoria - Australia

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We have been advised that from 1st July 2004 all ships that enter Victorian waters will be subject to a new ballast water management policy in respect of 'domestic ballast water'.

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Victorian waters extend three nautical miles from the Victorian coastline. Restrictions imposed by the policy are limited to the discharge of domestic water within this area.

'Domestic ballast water' is ballast water that originates from an Australian port or within the territorial sea of Australia, and will be regulated by the Victorian Environment Protection Authority (EPA). By contrast, 'International ballast water' (being all other ballast water) will continue to be regulated by the Federal Australian Quarantine & Inspection Service. Therefore, a ship entering Victorian waters may be subject to both the Federal and Victorian ballast water policies simultaneously.

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The policy contains the following key elements:

- 1 Every ship is required to perform a self-assessment of any domestic ballast water onboard by accessing the Ballast Water Decision Support System. This is a computer software application developed by AQIS and will assess the domestic ballast water onboard as either 'high risk' or 'low risk'.
- 2 Prior to arriving at a Victorian port, every ship must complete and submit to the EPA, a Victorian Ballast Water Reporting Form. This will specify if the ship is carrying domestic ballast water, the risk assessment result, and if the ship intends to discharge domestic ballast water within Victorian waters.
- 3 If the ship is carrying domestic ballast water it will also be required to complete a Ballast Water Log specifying the most recent uptake or discharge of any domestic ballast water for every ballast tank on the ship. This must be submitted to the EPA.
- 4 Domestic ballast water that is assessed to be 'high risk' must not be discharged into Victorian waters. There is no restriction on the discharge of 'low risk' domestic ballast water. In this respect, a key question is the extent to which ballast water originating from other Australian ports will be classed as 'high risk'. If the appropriate documentation specified above is not completed, any domestic ballast water on the ship will be deemed 'high risk' and consequently, must not be discharged into Victorian waters.
- 5 Although the EPA will assess ballast water requirements on a voyage-by-voyage basis, it is possible for regular users of Victorian ports to enter into accreditation agreements with the EPA. Such agreements will exempt ships from certain reporting requirements, although the ship will remain subject to the appropriate management of 'high risk' domestic ballast water.
- 6 The EPA recognises that in certain circumstances ships may be unable to fully comply with the policy. This may be because of unforeseen circumstances during a particular voyage (such as inclement weather conditions) or the structural limitations of a ship. In these circumstances, the EPA will determine alternative arrangements for the management of domestic water, in co-ordination with the ship.

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Any breach of the policy will be subject to the penalties specified in the Environmental Protection Act 1970. A person who contravenes any requirement relating to 'waste' as specified in the policy, i.e. 'high risk' domestic ballast water, may be found guilty of an indictable offence and subject to a penalty of up to Aus\$240,000. The offence will be deemed to be committed by both the owner and the master of the ship. It should also be noted that under the EP Act if the owner of the ship is a corporation, each person who is a director or is concerned with the management of the corporation might be guilty of an offence. Similarly, where the owner of the ship is a partnership, each person who is a partner may be guilty of an offence.

In cases of minor infractions of the policy, the EPA may exercise its discretion to issue Infringement Notices, providing for penalties of Aus\$5,000 for a corporation and Aus\$1,200 for an individual.

Source of information: Middletons
Club correspondent
Melbourne, Australia
Email: transport@middletons.com.au