



Victoria Government Gazette

No. S 77 Monday 20 March 2017
By Authority of Victorian Government Printer

VARIATION TO THE PROTOCOL FOR ENVIRONMENTAL MANAGEMENT – DOMESTIC BALLAST WATER MANAGEMENT IN VICTORIAN STATE WATERS (EPA VICTORIA PUBLICATION 949)¹

Environment Protection Authority (EPA) Victoria

'Protocol for Environmental Management – Domestic Ballast Water Management in Victorian State Waters' is authorised and published by EPA Victoria as Publication 949. Version 949.6 dated January 2015 is varied as follows.

1. In the first column on page 2 under section 1. Introduction:
 - (a) **omit** the second paragraph 'The Environment Protection (Ships' Ballast Water) Regulations 2006 ('the Regulations') were created to help implement the Policy, by prescribing:
 - the administrative requirements and services necessary to protect the beneficial uses of Victorian State waters
 - the fees for ships visiting a Victorian port (to recover the costs of delivering these services).'
 - (b) in the third paragraph **omit** 'and the Regulations. These statutory instruments frequently refer to its provisions'.
 - (c) **omit** the fourth paragraph 'When implementing the Policy and abiding by the Regulations, the safety of the ship and its crew must not be compromised.'
 - (d) in the fifth paragraph **omit**:
 - (i) 'to comply with the Policy and Regulations';
 - (ii) ● explains the fees to be paid by ships for the administration of these requirements'.
2. In section 1.1:
 - (a) in the heading, for 'Policy and Regulations' **substitute** 'domestic ballast water management framework';
 - (b) for 'and Regulations and any' **substitute** ', any supporting regulations, and relevant';
 - (c) **omit** 'by the Regulations. All these ships must comply with the Policy, Regulations and this PEM'.
3. In the first paragraph in section 1.2 Summary of ballast water management requirements **omit** ', which includes the Regulations, Policy and PEM,'.
4. In the seventh paragraph in the first column on page 5 in section 2 Reporting requirements, for 'with the Policy and the Regulations, including sending the' **substitute** 'these rules, including a failure to submit'.
5. In the last paragraph in section 2.1 Ballast water report form, for 'in accordance with the Regulations. Regulation 6(1) states: 'The owner and master of any ship visiting a port must ensure that a completed ballast water report form is provided to the Authority in accordance with requirements of the protocol'' **substitute** '. The ballast water report form in Appendix 1 to this protocol is the form that has been approved by the Authority for this purpose'.
6. In the last paragraph in section 2.2 Ballast water log, for 'in accordance with the Regulations. Regulation 6(2) states: 'The owner and master of a ship visiting a port and carrying domestic ballast water must ensure that a completed ballast water log is provided to the Authority in accordance with the requirements of the protocol'' **substitute** '. The ballast water log in Appendix 2 to this protocol is the form that has been approved by the Authority for this purpose'.

¹ This document is a legislative instrument, as defined in section 3 of the **Subordinate Legislation Act 1994** (Vic.)

SPECIAL

7. In the second paragraph in section 2.3 Written approval from EPA to discharge domestic ballast water **omit** ‘Regulation 7(1) states: ‘The owner and master of a ship must ensure there is no discharge of domestic ballast water in Victorian State waters unless written authorisation to discharge has been received from the Authority’.’
8. In section 2.4 Permanent fresh water ballast **omit** the second paragraph ‘Ships that cannot meet these requirements must report as required by the regulations.’
9. On page 8 in section 5. Domestic ballast water accreditation agreements:
- in the third paragraph for ‘is complying with the Regulations’ **substitute** ‘complies with its domestic ballast management obligations’;
 - in the fourth paragraph for ‘cost recover requirements set out in the Regulations, ships with an accreditation agreement will pay a significantly reduced fee (see section 6.1) and may also seek to have their fees capped’ **substitute** ‘EPA cost recovery requirements ships with an accreditation agreement will pay significantly reduced fees’.

10. On page 8 **omit**:

‘6. Fees

Every ship that has the capacity to carry ballast water visiting a Victorian port will be charged a fee. These fees are to recover the costs of administering EPA’s ballast water management framework. Fees will be applied on a visit-by-visit basis, unless there is an annual fee agreement (see section 6.3).

6.1 Schedule of fees

There are two categories of fees: a fee for a normal visit to a Victorian port and a reduced fee for ships that have an accreditation agreement with EPA.

Fee schedule	Fee units per ship per visit to a Victorian port
Ship with accreditation	10
All other ships	21

(Note: the Regulations provide for fees by reference to fee units established under the **Monetary Units Act 2004**. The value of a fee unit is indexed annually, effective 1 July, to reflect CPI adjustments. The value of fee units can be found on EPA’s website: www.epa.vic.gov.au/our-work/compliance-and-enforcement/fees-and-penalties.)

6.2 Collection of fees

Fees will be invoiced to the ship’s owner or the ship’s agent nominated by the owner.

Invoices will be issued on a visit-by-visit basis unless the ship holds an annual fee agreement (see section 6.3).

Failure by an owner to pay the prescribed fee within 30 days of issue of the final notice may result in enforcement action in accordance with the Regulations.

6.3 Annual fee agreement

Owners of ships that have an accreditation agreement with EPA may apply for an annual fee agreement. This agreement enables eligible ships’ owners to ensure that they do not pay more than 200 fee units per annum in any given year, irrespective of the number of ship visits undertaken. The fee agreement operates for a period of 12 months from when EPA receives payment.

The annual fee agreement may be paid to EPA in quarterly instalments, payable in advance. If the owner fails to pay any of the quarterly instalments, the annual fee agreement will be terminated and the ship will revert to being invoiced per visit.

6.4 Refunds

EPA may refund all or a portion of monies if:

- the monies paid are more than the amount required

or

- a fee agreement has been entered into, and:

- the Victorian domestic ballast water accreditation agreement of the ship has been revoked

or

- the ship is sold during the term of the annual fee agreement

or

- the ship does not visit a Victorian port for a minimum period of one month.'

11. For '7. Compliance monitoring' **substitute** '6. Compliance monitoring'.
12. In the first paragraph of section 6. Compliance monitoring **omit** 'to ensure compliance with the Policy and the Regulations'.
13. For '8. Ship compliance' **substitute** '7. Ship compliance'.
14. In the first paragraph of section 7. Ship compliance:
 - (a) for 'If a ship can comply with the Policy, it must do so. However, despite the best intentions of a ship's master, if a ship is unable to fully comply with the Policy' **substitute** 'If a ship is unable to fully comply with its domestic ballast water management obligations';
 - (b) after 'temporary inability to comply' **omit** 'with the Policy';
 - (c) after 'ongoing inability to comply' **omit** 'with the Policy'.
15. In the second paragraph of section 7. Ship compliance:
 - (a) for 'Some ships may not be able to comply with the Policy and Regulation requirements on a particular voyage due to unforeseen circumstances such as inclement weather conditions. If, on a particular voyage, a ship cannot comply with the Policy and Regulations' **substitute** 'Some ships may not be able to comply on a particular voyage due to unforeseen circumstances such as inclement weather conditions. If, on a particular voyage, a ship cannot comply with its domestic ballast water management obligations,'.
16. In the third paragraph of section 7. Ship compliance **omit** 'with the Policy'.
17. In the fourth paragraph of section 7. Ship compliance, for 'the Policy and the Regulations' **substitute** 'its domestic ballast water management obligations'.
18. For '9. EPA Contacts' **substitute** '8. EPA Contacts'.
19. For '9.1 Information on Victorian domestic ballast water management requirements' **substitute** '8.1 Information on Victorian domestic ballast water management requirements'.
20. For '9.2 Reporting pollution' **substitute** '8.2 Reporting pollution'.
21. For '9.3 Feedback' **substitute** '8.3 Feedback'.
22. In the References **omit**:

'Environment Protection (Ships Ballast Water) Regulations 2006.
Waste Management Policy (Ships' Ballast Water), Victoria Government Gazette no. S100.'
23. In the box at the end of Appendix 1, after 'NOTE' **insert** 'The information provided in this form must be true and correct.'

24. At the end of Appendix 2 **insert** 'NOTE: The information provided in this form must be true and correct. The discharge of high-risk domestic ballast water is prohibited in Victorian waters'.

Dated 15 March 2017

NIAL FINEGAN
Chief Executive Officer
Environment Protection Authority Victoria

**DOMESTIC BALLAST WATER MANAGEMENT IN
VICTORIAN STATE WATERS**

PROTOCOL FOR ENVIRONMENTAL MANAGEMENT

Environment Protection Authority Victoria

Publication 949.7* March 2017

This amends and replaces 949.6 published January 2015.

Table of Contents

1. Introduction

- 1.1 Application of the domestic ballast water management framework
- 1.2 Summary of ballast water management requirements
- 1.3 Definitions

2 Reporting requirements

- 2.1 Ballast water report form
- 2.2 Ballast water log
- 2.3 Written approval from EPA to discharge domestic ballast water
- 2.4 Permanent fresh water ballast
- 2.5 Failure to notify EPA regarding ballast water status

3. Risk assessment

- 3.1 Accessing the risk assessment tool
- 3.2 Risk assessment results
- 3.3 Special circumstances
- 3.4 Failure to use the risk assessment tool

4 Domestic ballast water management options

- 4.1 Non-treatment methods
- 4.2 Treatment methods
- 4.3 Other management methods
- 4.4 Safety considerations

5. Domestic ballast water accreditation agreements

6. Compliance monitoring

7. Ship compliance

8. EPA Contacts

- 8.1 Information on Victorian domestic ballast water management requirements
- 8.2 Reporting pollution
- 8.3 Feedback

Acronyms

References

Appendices

- Appendix 1: Victorian ballast water report form
- Appendix 2: Ballast water log

1. INTRODUCTION

The Waste Management Policy (Ships' Ballast Water) ('the Policy') was developed to protect Victoria's marine environment by minimising the introduction of marine pests into Victoria from ships' ballast water.

This Protocol for Environmental Management ('PEM') is an incorporated document of the Policy.

This PEM provides information to help the shipping industry assess and manage the risks associated with domestic ballast water discharges. In particular it:

- provides an explanation of domestic ballast water management
- includes the forms required to be completed by ships' masters and sent to EPA
- outlines the process for approval by EPA for the discharge of domestic ballast water, should this be required
- outlines compliance monitoring and inspection activities to be undertaken by EPA and its contractors
- provides risk assessment tools and identifies treatment options, for high-risk domestic ballast water that are acceptable to EPA
- includes safety considerations that ship owners and masters should take into account when selecting ballast water management options for their ship
- sets out the obligations for ships unable to comply with any aspects of the Policy
- includes information on accreditation agreements, including requirements for ships owners and masters seeking to apply

1.1 Application of the domestic ballast water management framework

The Policy, any supporting regulations, and relevant incorporated documents apply to all ships visiting a Victorian port that have capacity to carry marine ballast water, unless specifically exempted.

1.2 Summary of ballast water management requirements

The purpose of the ballast water management framework is to minimise the introduction of marine pests into Victorian State waters from high-risk domestic ballast water discharge.

To do this, the following requirements are imposed:

- all ships' masters must provide accurate and comprehensive information to EPA on the status and risk of any ballast water contained on their ships, whether this is domestic or international ballast water
- domestic ballast water is required to be managed on a visit-by-visit basis and may only be discharged in Victorian State waters with EPA written approval
- no domestic ballast water that is determined to be high risk may be discharged to Victorian State waters

Requirements for international ballast water are the responsibility of the Australian Quarantine and Inspection Service (AQIS). AQIS has had arrangements in place since 1 July 2001 for the management of internationally sourced ballast water.

Figure 1 summarises the key steps for a ship's master to manage domestic ballast water in Victorian waters.

Together, these arrangements ensure that all ballast water (regardless of whether of international or domestic origin) is appropriately managed in Victorian State waters.

1.3 Definitions

Annual fee agreement means an agreement between the Authority and a ship's owner.

Authority refers to the Environment Protection Authority and has the same meaning as it has in the **Environment Protection Act 1970**.

Ballast water means water, including any entrained marine organisms and other sediments and solids, used to alter the draft, trim, manoeuvrability and stability of ships.

Note: Ballast water is an industrial waste in Victoria.

Risk assessment tool means a computer software program approved by EPA Victoria that allows ships' masters and agents to risk assess ballast water.

Ballast water report form means a form that shipmasters use to declare ballast water status.

Ballast water log means a record that details a ships' ballast water exchange and discharge particulars.

Domestic ballast water means ballast water that originates from an Australian port or within the territorial sea of Australia (in other words, taken up within 12 nautical miles of the Australian coast).

Domestic ballast water accreditation agreement means an agreement entered into between a ship owner and the Authority as provided by the Waste Management Policy (Ships' Ballast Water).

Exemption means an exemption from ballast water reporting requirements to EPA and applies to a ship that has permanent fresh water ballast and does not take up or discharge marine waters as part of its operations.

High-risk domestic ballast water means domestic ballast water that, if discharged, is considered to pose a high risk of introducing a marine pest to the receiving waters.

International ballast water means ballast water that originates from international ports or waters outside the territorial sea of Australia.

Marine pest means any aquatic animal, plants or pathogen that, if introduced to waters outside their natural or previous distribution, may pose a risk to human health or the environment, and may affect the biodiversity and ecological processes of the marine ecosystem and impact on any other beneficial uses.

Master means master as defined in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

Owner means owner as defined in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

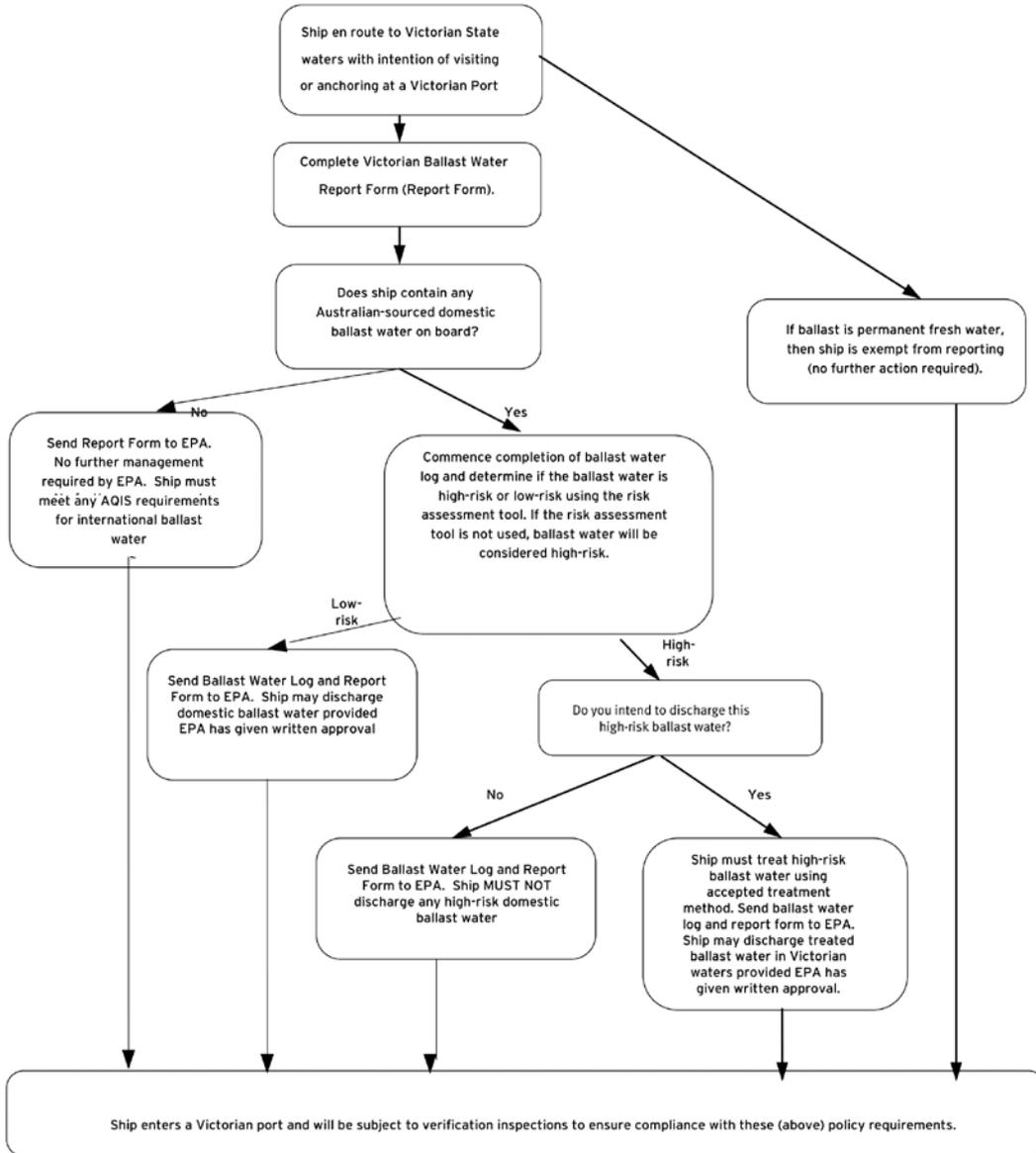
Permanent fresh water ballast means fresh water ballast that is solely used to alter the draught, trim, manoeuvrability and stability of the ship.

Port means port as defined in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

Victorian State waters means:

- (a) the territorial sea adjacent to the State
- (b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State
- (c) waters within the limits of the State.

Figure 1: Flowchart – Domestic ballast water management steps



2 REPORTING REQUIREMENTS

Ships' masters must complete forms to provide EPA with accurate information on the status and risk of their ships' ballast water. These forms must be submitted to EPA as soon as possible, preferably 24 hours before entering Victorian waters, to prevent any unnecessary time delays. If a ship changes its declared ballast water status, the master should ensure EPA is notified as soon as possible. EPA contact details are provided on the forms.

Ships that have permanent fresh water ballast and do not take up or discharge marine water as part of its operations are exempt from reporting to EPA (see section 2.4).

Ships with domestic ballast water accreditation agreements with EPA may not need to complete these forms (see section 5).

The forms required by EPA are:

- (a) Ballast water report form
- (b) Ballast water log.

The number of forms submitted to EPA will depend on the status of ballast water on the ship. Every ship that enters Victorian State waters visiting a Victorian port must submit a ballast water report form to EPA. The ballast water log needs to be submitted only when that ship has declared that it has domestic ballast water on board.

To assist in understanding the requirements and when forms must be sent to EPA a flowchart (Figure 1) has been developed.

Failure to report to the Authority in accordance these rules, including a failure to submit relevant forms, may result in EPA enforcement action.

2.1 Ballast water report form

All ships visiting a Victorian port must complete a ballast water report form (refer to Figure 1) and send it to EPA, using the contact details provided on the form.

This form is included in Appendix 1 to this PEM. The ballast water report form requires the master of the ship to provide a number of details, including:

- the intention to discharge any domestic ballast water into Victorian State waters and, if so,
- whether the master has performed ballast water treatment/exchanges at sea, using methods acceptable to EPA
- whether the master has accessed the risk assessment tool to perform a risk assessment on domestic ballast water.

Failure to accurately complete or submit a ballast water report form may result in EPA enforcement action. The ballast water report form in Appendix 1 to this protocol is the form that has been approved by the Authority for this purpose.

2.2 Ballast water log

All ships that have originally sourced Australian domestic ballast water on their current voyage and that enter Victorian State waters must complete the ballast water log. This log must be completed regardless of whether the ship intends to discharge the domestic ballast water. This form must be sent to EPA using the contact details provided on the form.

A copy of this log is included in Appendix 2. This log is used to describe the most recent uptake, exchange and intended discharge of any domestic ballast water for each and every ballast water tank in the ship.

If the ship's master does intend to discharge any domestic ballast water in a Victorian port this water will need to be treated using an accepted treatment method (see section 4.2). This log is also used to determine the location and treatment method used for domestic ballast water management. The treatment method calculations will include the percentage of domestic ballast water exchanged.

If a ship does not contain any Australian-sourced domestic ballast water, this log will not be used.

Ships' masters must use the log to report on any ballast water that was sourced in Australian waters. If this ballast water is exchanged en route to Victoria all exchange details must be accurately recorded in the log. That is, the log must show location of the original domestic ballast water uptake – exchange locations – time of pumping – rates of pumping and discharge.

Failure to accurately complete or submit a log may result in enforcement action. The ballast water log in Appendix 2 to this protocol is the form that has been approved by the Authority for this purpose.

2.3 Written approval from EPA to discharge domestic ballast water

All forms must be sent to EPA as soon as possible before entering Victorian State waters, as no domestic ballast water discharge is permitted until written authorisation to discharge has been received from EPA. EPA will communicate with ships by fax, email or via the ship's agent. Where a ship's agent has been nominated to communicate with the EPA on behalf of the ship, then it is the responsibility of the agent to pass on the written advice to the ship.

Submitting reporting forms to EPA prior to entering Victorian State waters will provide the ship with the best chance of identifying management options for its domestic ballast water.

2.4 Permanent fresh water ballast

Ships that have permanent fresh water ballast that is used solely for draught, trim, manoeuvrability and stability of the ship and that do not take up or discharge marine water as part of their operations are exempt from reporting to EPA.

Ships that claim to be exempt due to permanent fresh water ballast may be subject to a verification inspection to ensure compliance.

2.5 Failure to notify EPA regarding ballast water status

If a ship's master or owner fails to submit the appropriate forms to EPA, any domestic ballast water on the ship will be regarded as high-risk. Accordingly, the ship's master will be prohibited from discharging it into Victorian State waters.

Failure to submit the report form and/or the log to EPA may result in enforcement action being taken.

3. RISK ASSESSMENT

The risk status of any domestic ballast water contained in a ship must be assessed by the ship's master prior to entering Victorian State waters by using the risk assessment tool.

3.1 Accessing the risk assessment tool

The risk assessment tool is a computer software application developed by the Australian Government in consultation with industry. The risk assessment tool undertakes a biological risk assessment that predicts the likelihood of entry of harmful aquatic organisms and pathogens in ballast water on a tank-by-tank basis. The assessment relies on ballast water uptake and discharge information entered by a ship's master or agent.

The risk assessment tool may be accessed any time. The ship's master (or an agent acting on their behalf) should access this system as soon as possible before arrival into Victoria.

A ship's master may also use the risk assessment tool for 'scenario testing' – this will provide the master with possible ballast water management options available for their ship. The ship can then use the option that is most suitable.

Entering information as early as possible into the risk assessment tool will provide the master with more time to perform an EPA-approved management option prior to arrival in Victoria.

The risk assessment tool can be accessed via: Internet – <http://www.epa.vic.gov.au>

For details regarding access and use of the risk assessment tool contact EPA on +61 3 9695 2547.

3.2 Risk assessment results

The risk assessment tool will assess the domestic ballast water as either 'low-risk' or 'high-risk'. Upon entering information into the risk assessment tool, the master should receive a risk assessment number (RAN), which must then be entered on the Ballast Water Report Form.

Upon receiving the report form, EPA will review the risk assessment information and approve or prohibit the discharge of domestic ballast water, based on the risk assessment results (unless special circumstances exist – see section 3.3).

If, however, the ship's master has provided inadequate information or the risk assessment is incorrect, EPA will notify the ship.

3.3 Special circumstances

Although EPA is committed to supporting a risk assessment tool that has the most accurate and up-to-date information, there may be exceptional circumstances when the risk assessment tool does not reflect current data. This may include situations where there has been a marine pest outbreak reported at an Australian port that has not yet been incorporated into the risk assessment tool or where more accurate information is available on the risks associated with a particular marine pest (for example, the life cycle of a marine pest may change its risk profile for part of the year).

In these situations, EPA may determine that particular domestic ballast water has a risk status that differs from the risk determined via the risk assessment tool at that time.

In making decisions on risk status, EPA would need to be satisfied that the additional information is accurate and from a reliable source.

Any decision that EPA makes regarding the risk status of domestic ballast water and the management of that risk must be consistent with the Policy and will take into account various criteria, including the risk to the environment, risk to ship safety, and technical, logistical and financial considerations.

3.4 Failure to use the risk assessment tool

If the risk assessment tool is not used to assess the risk, EPA will regard the domestic ballast water as 'high-risk'.

4 DOMESTIC BALLAST WATER MANAGEMENT OPTIONS

The ballast water management options available for a ship's master are as follows, depending on whether the ship's ballast water is deemed high-risk or low-risk.

Low-risk ballast water

Low-risk domestic ballast water does not require any additional management or treatment prior to being discharged into Victorian ports or waters.

High-risk ballast water

If domestic ballast water is assessed as high-risk, approved ballast water management options must be undertaken.

Once high-risk domestic ballast water is treated using a method acceptable to EPA (see section 4.2), the ballast water is regarded as low-risk. Subject to the necessary forms being submitted to EPA, EPA will notify the ship in writing that domestic ballast water may be discharged in Victorian State waters.

EPA-accepted ballast water management measures are listed below.

4.1 Non-treatment methods

Retain onboard/tank-to-tank transfer

To avoid discharging high-risk domestic ballast water, the ship may elect to hold the ballast water onboard or transfer it from tank to tank within the ship. This is an acceptable way of

managing ballast water risk. However, ships' masters should ensure that, when using this method, they have carefully considered their cargo plans to ensure that there will be no need to discharge any high-risk ballast water.

4.2 Treatment methods

Ballast water exchange

Ballast water exchange at sea may be undertaken using a number of methods, depending on the configuration and stability of the ship. It is important to ensure that the volumetric exchange achieved is at least 95 per cent, using either sequential (empty/refill) exchange or flow-through exchange. Any exchange must be undertaken outside of Victorian State waters (at least 12 nautical miles off the Australian coast). It is of paramount importance that ballast water exchange is carried out in a safe manner (see section 4.4).

These exchange methods include:

Sequential method (empty/refill)

This method involves emptying tanks of high-risk ballast water at sea before refilling them with water from the sea.

All of the high-risk domestic ballast water should be discharged until suction is lost, and stripping pumps or eductors should be used if possible.

The ship's master should ensure that soundings of tanks are recorded at the end of the empty phase.

Flow-through method

When flow-through methods are employed, the ballast water tank containing the high-risk ballast must be filled and then a minimum of three times the full tank capacity should be pumped through the tank. Calculations indicating the amount of water to be utilised and actual pumping rates required to achieve this shall be recorded.

It is not acceptable to flush dissimilar pairs of tanks (for example no. 1 port tank and no. 4 starboard tank) using a single pump, because such tanks will receive unequal quantities of water from the pump.

EPA will verify that ballast water exchanges have been carried out to a 95 per cent volumetric exchange. The verification process includes an examination of records relating to ballast water exchange operations that are kept by the ship.

Masters should note that pumps might not deliver their rated capacity. As the pump rate is crucial for determining a satisfactory volumetric exchange, the master should ensure the accuracy of pump rates used in calculations. Actual pump delivery rates may be determined by recording the time it takes to pump a known quantity of water. This rate should be recorded on the ballast water log.

Dilution method

The dilution method involves the exchange of at least 300 per cent of a tank's full capacity. This amount must be pumped through the tank to achieve the acceptable 95 per cent volumetric exchange. Water must be pumped in and out simultaneously.

The pumping in and out simultaneously method (as distinct from the flow-through method that uses pumping and overflowing out) is one that very few ships are equipped to carry out. Before attempting this method, ship masters' should contact EPA to confirm whether their ship has the pumping arrangements needed to carry it out correctly.

4.3 Other management methods

Additional ballast water treatment methods being researched internationally and in Australia include filtration, heat treatment, and biological and chemical control. The International Maritime Organisation (IMO) has guidelines that outline the performance standard of treatment that needs to be met.

EPA may consider such treatment methods on a case-by-case basis, provided sufficient documentation is received to allow a comprehensive review and analysis of the treatment method. Of critical importance is data on the impact that the discharge of treated ballast water is likely to have on the receiving waters.

4.4 Safety considerations

Ships engaged in ballast water management need to consider a range of safety issues. Ship owners and masters should ensure that ballast water management practices, as with other ship operations, are performed safely and in a manner consistent with ship procedures and capabilities.

It is important that the ship's master and crew are aware of any safety risks associated with any ballast water management options that are undertaken.

A ship's master who chooses to exchange ballast water at sea should ensure that procedures are designed for the individual ship and must take into account all necessary safety considerations.

A number of ship classification societies have programs that assist ships to safely develop suitable ballast water management plans.

Ship owners who have concerns about the ability of a ship to undertake a particular ballast water management option, should seek advice from a suitable classification society.

Safety considerations may prevent some ships from exchanging ballast water at sea. Ballast water exchange should not be performed if it is unsafe to do so. Instead, a ship's master must implement alternative ballast water management measures (section 7 identifies actions for a ship's master who cannot comply with the Policy).

5. DOMESTIC BALLAST WATER ACCREDITATION AGREEMENTS

The aim of the accreditation agreement is to reward good environmental performance and reduce the administrative burden of complying with the Policy on the ship's master, owner, crew and agent whilst continuing to ensure that environmental objectives are met. As an example of the reduced paperwork, a ship's owner and master may be exempted from reporting requirements.

Accreditation agreements are most suited to ships that are regular traders to a Victorian port.

EPA will consider entering into an accreditation agreement in circumstances where a ship is visiting Victorian ports on a regular basis and where the ship's owner and master have, to the satisfaction of the Authority, demonstrated a high level of performance in domestic ballast water management. The ship's master(s) must demonstrate a good understanding of the statutory requirements for domestic ballast water management in Victoria. In cases where there are not regular masters, EPA must be satisfied that appropriate handover procedures are in place to ensure that the ship complies with its domestic ballast management obligations.

Under the EPA cost recovery requirements ships with an accreditation agreement will pay a significantly reduced fees.

For further information regarding accreditation agreements refer to EPA publication 995.1, Domestic ballast water accreditation agreements — guidelines for applicants.

6. COMPLIANCE MONITORING

EPA Authorised officers will carry out compliance monitoring and verification inspections out of any port on a random basis. This will include the inspection of ships that contain high and low-risk domestic ballast water, as well as ships that have reported they contain no domestic ballast water.

Inspections will be conducted as soon as practicable after a ship has berthed. Inspections will include assessments and comparisons of information contained in the ballast water reporting form and logs with information contained in the ship's log books, charts and records.

7. SHIP COMPLIANCE

If a ship is unable to fully comply with its domestic ballast water management obligations, EPA must be contacted as soon as possible. This may avoid unnecessary delays. Non-compliance is likely to fall into two categories:

- (a) temporary inability to comply (for reasons such as inclement weather conditions)
- (b) ongoing inability to comply due to structural limitations of the ship.

Non-compliance – visit-by-visit basis

Some ships may not be able to comply on a particular voyage due to unforeseen circumstances such as inclement weather conditions. If, on a particular voyage, a ship cannot comply with its domestic ballast water management obligations, the ship's master must contact EPA prior to entering Victorian State waters. EPA, in consultation with the ship's master, will then determine alternative arrangements for the management of that ship's high-risk domestic ballast water and may permit its discharge as a last resort.

Non-compliance due to structural limitations of the ship – need for an Environment Improvement Plan.

A small number of ships will not be able to comply due to structural limitations in the ship's design. Non-compliant ships that operate regularly (at least one voyage per month or the equivalent over 12 months) in Victorian State waters must develop and implement an environment improvement plan ('EIP') in accordance with EPA Publication 739, 'Guidelines for the preparation of environment improvement plans', as amended.

The EIP must set out actions and management practices for ship to reduce risks to the receiving environment associated with the discharge of high-risk domestic ballast water. The EIP could include advice sought from a classification society on the ability of a vessel to comply with its domestic ballast water management obligations. Until a ship owner and master have an EIP in place, EPA will continue to address the environmental risks associated with the ship on a visit-by-visit basis.

An EIP is an effective tool to guide a ship owner's environmental management and performance through a process of continuous improvement. This includes an action plan with goals and timelines, together with provision for ongoing monitoring and reporting of environmental improvements. Further information on EIPs can be found in EPA Publication No. 739.

An EIP is a public commitment by a ship's owner and master to improve performance. Progress against the EIP is regularly reviewed and reported to the public.

An EIP developed to address non-compliance issues needs to contain the following:

- environmental policy objectives of the ship owner
- how to identify and assess a ballast related environmental risk
- how and when the ship's risk management strategies will be evaluated and options for improved performance listed
- commitments, targets and contingency arrangements to reduce risks associated with the discharge of high-risk domestic ballast water
- options for risk minimisation, including alternative exchange zones, uptake procedures (for example no uptake in darkness, in shallow water or where propellers may stir up sediment), the retention of ballast water on board, or discharge of the minimum essential amount of high-risk domestic ballast water
- operational arrangements to achieve objectives
- performance monitoring and reporting
- auditing and review of the plan
- endorsement by senior management and EPA.

Contribution to programs to assess risk

Any ship that cannot comply with the Policy requirements may be required to contribute to programs to assess risks associated with the discharge of domestic ballast water. This may include monitoring and/or survey of port environments for marine pests.

8. EPA CONTACTS**8.1 Information on Victorian domestic ballast water management requirements**

For more information on the Victorian domestic ballast water management requirements, contact EPA Victoria:

Telephone + 61 3 9695 2547 (24 hours)

Facsimile + 61 3 9695 2520

Email at ballast.water@epa.vic.gov.au

EPA's website, www.epa.vic.gov.au, is a further source of information.

8.2 Reporting pollution

To report any pollution in Victorian State waters, including illegal discharges of domestic ballast water, call EPA Victoria on 1300 372 842 (24 hours).

8.3 Feedback

EPA encourages ship owners or masters to provide feedback on this document or any other aspect of the Policy. Feedback should be provided in writing and addressed to:

Ballast Water Officer

Regulatory Programs Unit

EPA Victoria

GPO Box 4395

Melbourne, Victoria, Australia 3001

ACRONYMS

EPA Environment Protection Authority (also known as EPA Victoria)

AQIS Australian Quarantine and Inspection Service

IMO International Maritime Organisation

PEM Protocol for Environmental Management

REFERENCES

Victorian domestic ballast water accreditation agreements – Guidelines for applicants (EPA publication 995)

Guidelines for the preparation of environment improvement plans (EPA publication 739)

APPENDICES

1. Ballast water report form
2. Ballast water log

Appendix 1: Victorian ballast water report form

Ship's particulars for ship visiting a Victorian port	
1) Vessel name: _____	7) ETA at a Victorian port: ____ : ____ Hrs ____ / ____ / ____
2) Voyage number: _____	8) Berth at a Victorian port: _____
3) IMO/Lloyd's number: _____	9) Net tonnage: _____
4) Radio call sign: _____	10) Number of cargo holds/tanks/decks: _____
5) Last port of call: _____	11) Vessel type: _____
6) ETD last port of call: ____ : ____ Hrs ____ / ____ / ____	12) Country of registry: _____

- 13. Do you have ballast water on board? YES NO (If NO, go to 22)
- 14. Do you have ballast water on board that was originally sourced within Australian territorial seas and domestic ports? YES (If YES, EPA ballast water log must be completed) NO (If NO, go to 22 and submit)
- 15. Do you intend to discharge Australian-sourced domestic ballast water in a Victorian port? YES (If Yes, complete EPA ballast water log with original uptake details) NO (If NO, go to 22)
- 16. Did you exchange ballast water at sea independent of the risk assessment tool report? YES (If YES, complete EPA Ballast water log with all exchange details, sign at 22 and submit) NO
- 17. Have you used the risk assessment tool to perform a risk assessment on the domestic ballast water to be discharged into Victorian waters? YES NO (If NO, your ballast water will be considered high-risk)
- 18. If YES, what is the Risk Assessment Number (RAN) assigned to your vessel by the risk assessment tool?
RAN: _____
- 19. If your risk assessment result was HIGH will you have completed an approved ballast water treatment/exchange at sea before arrival in Victoria? YES NO (go to Q 21.)
- 20. If YES indicate below what approved ballast water treatment/exchange method you used.
 Sequential [empty/refill] Flow-through Dilution
- 21. EPA approved on-board treatment system (please specify: _____)
- 22. If approved treatment was not conducted fully in any of the tanks/holds intended for discharge at a Victorian Port, please state the reason and contact EPA as soon as possible:

23. Declared by (printed name): _____ Signature: _____ Rank: _____

Shipping agency name: _____ Shipping agency phone no.: _____

Shipping agency fax no.: _____ Shipping agency email: _____

Date: ____/____/____ Ship's email: _____

Fax form to the EPA Ballast Water Officer. Fax no: +613 9695 2520 or email: ballast.water@epa.vic.gov.au. For further assistance call +61 3 9695 2547.

NOTE: The information provided in this form must be true and correct. The discharge of high-risk domestic ballast water is prohibited in Victorian waters.

Appendix 2: Ballast water log

PLEASE PHOTOCOPY AS REQUIRED

Ships completing this EPA BW log must also enter the ballast water information into the ship's deck and engineering logbooks. A ship's logbook must be made available for inspection at any Victorian port or any location within Victorian State waters.

Instructions for exchange and completion of this log:

Exchange must be carried out to 95% volumetric exchange for empty/refill method and 300% for flow-through and dilution methods. Please fill in either the Empty/Refill column or the Flow-Through/Dilution column, depending on which method you used for each tank (only one method per tank is acceptable). Estimated current pump capacity must be listed for each pump used in exchange.



EPA BALLAST WATER LOG

Ship's name: _____ IMO/Lloyd's no: _____ Year built _____

Master's signature: _____ Date: ____/____/____ PAGE ____ of ____

(A) Ballast water tanks or cargo holds		(B) Ballast water source			(C) Exchange details					(D) Intended Victorian discharge port for ballast water				
Tank	Full tank capacity (m ³)	BW uptake PORT	Uptake date	Volume of ballast water taken up (m ³)	Exchange location (latitude/longitude)	Exchange date & time	List Pumps Used (pump number) & whether gravity used (G)	Empty/refill ONLY		Flow-through/dilution ONLY		BW discharge port	Discharge date	Volume for discharge (m ³)
								Start (S)	End (E)	Residual volume when empty (m ³)	Volume pumped (m ³)			
FPT	250	PORT BOTANY	15/1/06	245	S: 35°05'S 153°02'E E: 36°10'S 152°10'E	S: 16/1/06 1045 E: 16/1/06 1145	Pumps 1 & 2 G	10	NA	NA	NA	MELBOURNE	17/1/06	245
					S: E:	S: E:								
					S: E:	S: E:								
					S: E:	S: E:								
					S: E:	S: E:								
					S: E:	S: E:								
					S: E:	S: E:								

BALLAST WATER TANK CODES: Forepeak = FPT Aftpeak = APT Double bottom = DB Bottom tank = BT Bottom side tank = BST Deep tank = DT Wing tank = WT Top side tank = TST Cargo hold = CH
Heeling tank = HT Water ballast tank = WBT Port = P Starboard = S Centre = C Bilge = BGT Other = O (Specify)

Send this form to EPA as soon as possible before entering Victorian State waters. Fax: +613 9695 2520 or Email: ballast.water@epa.vic.gov.au

Comments: _____

NOTE: The information provided in this form must be true and correct. The discharge of high-risk domestic ballast water is prohibited in Victorian waters.



This page was left blank intentionally

This page was left blank intentionally

bluestar * **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2017

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121
DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@bluestargroup.com.au

Price Code B