INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS’ BALLAST WATER AND SEDIMENTS, 2004

Communication received from the Government of Australia

1. A communication has been received from the Government of Australia regarding the introduction of new requirements for ballast water management on ships engaged in international voyages.

2. At the request of the Government of Australia, the above-mentioned communication, annexed hereto, is circulated to Member States for their information.

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ANNEX

CHIEF EXECUTIVE OFFICER

Australian Government
Australian Maritime Safety Authority

Mr Kitack Lim
Secretary-General
International Maritime Organisation
4 Albert Embankment
London SE1 7SR
UNITED KINGDOM

Dear Secretary-General,

I am writing to inform you that the Australian government is introducing new requirements for ballast water management on ships engaged in international voyages under the Biosafety Act 2015 (Biosecurity Act), which will commence on 16 June 2016. The Biosecurity Act contains a standalone ballast water chapter which has been drafted to implement the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention).

From 16 June 2016, Australia will accept the use of ballast water management systems which have received Type Approval through the IMO process, in addition to currently accepted ballast water management methods such as ballast water exchange. Ships which use a ballast water treatment system will need to carry an approved ballast water management plan, and be surveyed and issued with a Ballast Water Management Certificate in accordance with the BWM Convention requirements.

Under the new requirements, ballast water exchange must take place outside 12nm from the nearest land and will not be permitted within 12nm of the outer edge of the Great Barrier Reef or part of the Torres Strait, as defined in Regulation A-1.8 of the Annex of the BWM Convention.

Further information on Australia’s ballast water management arrangements is included in the attached Annex. I would be grateful if you could please circulate this information to IMO Member States.

Yours sincerely,

MICK KINLEY

15 June 2016

Att. (1)
ADVICE TO THE SHIPPING INDUSTRY: BALLAST WATER EXCHANGE

The Biosecurity Act 2015 (Biosecurity Act) will replace the Quarantine Act 1908. The Biosecurity Act contains a standalone ballast water chapter which has been drafted to implement the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention). The Biosecurity Act received royal assent on 16 June 2015 and will commence on 16 June 2016.

Under the Biosecurity Act, ballast water exchange will remain an acceptable method of ballast water management until such time as the BWM Convention is in force and a schedule for the phasing out of exchange is implemented.

The Biosecurity (Acceptable Ballast Water Exchange Area) Declaration 2016, an instrument under the Biosecurity Act, identifies the area outside 12nm from the nearest land as an acceptable location for ballast water exchange. From the nearest land has the same meaning as in regulation A-1.6 of the Annex to the BWM Convention, which off the north-eastern coast of Australia, is measured from a line drawn around the outer edge of the Great Barrier Reef and part of the Torres Strait region. Therefore, ballast water must be exchanged at least 12NM from this area to meet the Australian requirements. This area is shown in the image below.

The text of Regulation A-1.6 of the Annex to BWM Convention is also provided below.

For Reference: Ballast Water Management Convention, 2004; Regulation A-1.6:
From the nearest land means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the Convention, from the nearest land off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in:

latitude 11° 00' S, longitude 142° 08' E
to a point in latitude 10° 35' S, longitude 141° 55' E
then to a point in latitude 10° 00' S, longitude 142° 00' E
then to a point in latitude 9° 10' S, longitude 143° 52' E
then to a point in latitude 9° 00' S, longitude 144° 30' E
then to a point in latitude 10° 41' S, longitude 145° 00' E
then to a point in latitude 13° 00' S, longitude 145° 00' E
then to a point in latitude 15° 00' S, longitude 146° 00' E
then to a point in latitude 17° 30' S, longitude 147° 00' E
then to a point in latitude 21° 00' S, longitude 152° 55' E
then to a point in the coast of Australia
in latitude 24° 42' S, longitude 153° 15' E.
Image: Map of North-eastern Australia showing areas that are acceptable for ballast water exchange within the Australian Exclusive Economic Zone.

Legend
- Waters unacceptable for ballast water exchange
- Waters acceptable for ballast water exchange within the Australian EEZ

Map compiled by ABARES
1 June 2016
Projection: Geographic

Data sources:
- Coastline and Australian jurisdictional boundaries: GA
- Ballast Water Convention boundary: IMO

NOTE
The areas where it is acceptable to exchange ballast water are defined in the Biosecurity (Acceptable Ballast Water Exchange Area) Declaration 2016 and include all waters greater than 12 nautical miles from any land. Ballast water exchange is not acceptable within Australia's Coastal Waters and Territorial Sea, which is measured 12 nautical miles from the Territorial Sea Baseline, and within an area designated by the International Convention for the Control and Management of Ship Ballast Water and Sediments, 2004, Annex Section A, Regulation A-1, sub-section 6, published by the International Maritime Organization.