

Australia - Biosecurity Act 2015 - Ballast Water Management

28th June 2016

On 16 June 2016 a new [Biosecurity Act](#) entered into force in Australia, replacing the Quarantine Act of 1908. The main legislative change, in relation to the operation of vessels, is alignment of Australian ballast water management requirements with those in the IMO's draft International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 ([Ballast Water Management \(BWM\) Convention](#)).

It is an offence under the new Act to discharge ballast water in Australian waters, however, an offence is not committed if an exception, as detailed in Chapter 5 of the Act, applies. Exceptions include the following:

- Discharges to approved ballast water and sediment reception facilities.
- Discharges covered by an exemption issued by the Director of Biosecurity.
- The take-up and discharge of ballast at the same place.
- Discharges in relation to ensuring the safety of a vessel in an emergency or saving life at sea, or resulting from an accident or for the purposes of avoiding or minimising pollution from a vessel.
- If the ballast meets the requirements for [freshwater ballast](#).
- Discharges by IMO Type Approved Ballast Water Management Systems, listed in the [Biosecurity \(Methods of Ballast Water Management\) Approval 2016](#).
- Ballast water discharged following a ballast water exchange conducted in an acceptable area, as defined in the [Biosecurity \(Acceptable Ballast Water Exchange Area\) Declaration 2016](#) and the [Great Barrier Reef ballast water exchange map](#).

In the event of a discharge of ballast not being in compliance with the Act, financial penalties of up to AUD 360,000 may be imposed.

Further details on the new regulations in relation to the shipping industry can be found on the Australian Department of Agriculture and Water Resources website at [What's changed for the shipping industry, port operators and logistics operators](#).

Members requiring further guidance should contact the [Loss Prevention department](#).

The West of England Ship Owners Mutual Insurance Association (Luxembourg)
R.C.S. Luxembourg B 8963

Managers: West of England Insurance Services (Luxembourg) S.A.
Registered Office: 31 Grand-Rue, L-1661 Luxembourg, G.D. Luxembourg
T +(352) 4700671 **F** +(352) 225253

UK Branch: Tower Bridge Court, 226 Tower Bridge Road, London SE1 2UP
T +(44) (0)20 7716 6000 **F** +(44) (0)20 7716 6100
E mail@westpandi.com **W** www.westpandi.com