

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION AGREEMENTS – GUIDELINES FOR APPLICANTS

Publication 995

June 2005

## **INTRODUCTION**

These guidelines provide general advice and information to assist ship owners and masters to prepare an application for a domestic ballast water accreditation agreement ('accreditation agreement') under Victoria's Waste Management Policy (Ships Ballast Water) and maintain accreditation once granted.

Marine pests pose a significant threat to the biodiversity and ecological processes in Victoria's unique marine environment. The movement of ballast water from port to port in ships' tanks has been shown to be a significant vector for the introduction of marine pests. By managing the discharge of domestic ballast water, environmental, social and economic benefits derived from the marine environment will be protected.

On 1 July 2004 the Victorian Government introduced mandatory domestic ballast water management requirements. The Victorian requirements are managed by EPA Victoria ('the Authority') through the Waste Management Policy (Ships Ballast Water) ('the Policy'). The Policy prohibits the discharge of high-risk domestic ballast water

into Victorian waters. The Victorian requirements complement the existing program for international-sourced water that were introduced by the Australian Government in 2001, and are managed by the Australian Quarantine and Inspection Service (AQIS).

The Policy requires every ship visiting a Victorian port to provide accurate and comprehensive information on the status of any ballast water management processes undertaken for all domestic ballast water. The master must submit the Victorian ballast water report form for each visit to declare the status of their ship's ballast water, any management actions, and their intentions. The EPA ballast water log must also be submitted if domestic ballast water is carried on board, regardless of whether the ship intends to discharge the domestic ballast water in Victorian State waters.

If the ship intends to discharge domestic ballast water, a risk assessment via the Ballast Water Decision Support System (BWDSS) should be conducted. If the BWDSS is not used to assess the risk, EPA will consider the domestic ballast water as high-

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

risk. If the ballast water is high-risk it must not be discharged into Victorian State waters.

A full ballast exchange of any high-risk ballast water must take place before the Authority will give permission to discharge.

Accreditation agreements are intended for regular visitors to Victorian ports to reward good environmental performance (detailed on pages 4 and 5) and reduce the administrative burden on individual ships and their agents.

The accreditation agreement is an agreement between the Authority and the ship's owner and is only valid for voyages into Victorian State waters. A ship's owner is defined in the Marine Act 1988 as:

*'owner', in relation to a vessel, includes the charterer and any person having possession of the vessel.*

However, a ship's operator, manager or agent may be the signatory to the accreditation agreement, providing written authorisation or delegation from the 'owner' is given.

Although the master is not a signatory to the accreditation agreement, the master and the owner are the legally responsible parties for pollution pursuant to Section 63 of the Environment Protection Act 1970.

63. Owner and master of ship each guilty of pollution from ship

If an offence is committed against this Act with respect to the discharge or emission of wastes or pollutants or noise from any ship, the owner

and the master of the ship are each guilty of the offence.

The accreditation agreement specifies certain journeys and ballast water management arrangements that will be exempt from the normal reporting requirements specified in the Policy.

Clause 15 (1)-(3) of the Policy contains the matters to be taken into account when the Authority considers applications for an accreditation agreement. It specifies who may apply for an accreditation agreement, suitable circumstances where a ship may be an appropriate candidate and the expectations the Authority has of the ship's owner and master. Further information is also provided in Part 5 of the Protocol for Environmental Management (Domestic Ballast Water Management in Victorian State Waters)('the PEM'). Part 5 describes the purpose of such agreements and defines eligibility criteria.

Ships that can demonstrate an understanding and a commitment to the implementation of the Policy and a good compliance record may be eligible to enter into an accreditation agreement with the Authority.

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

## **WHAT IS AN ACCREDITATION AGREEMENT?**

An accreditation agreement may be granted to an owner of a ship.

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, crew and agent whilst continuing to ensure that environmental objectives are met. For example, a ship may be exempted from prior reporting where it is accepted that details do not change from voyage to voyage.

Accreditation agreements are most suited to ships that trade frequently between a Victorian port and one or two other ports.

### **Eligibility for accreditation**

The Authority will consider entering into an accreditation agreement in circumstances where a ship is visiting Victorian ports on a regular basis, and where a 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.

Applicants should demonstrate compliance with the following criteria:

### **1. Environmental performance**

The ship's owner and master must demonstrate a consistent, high level of performance in ballast water management and an ongoing capacity to maintain and improve this performance, in order to be granted and maintain accreditation.

Examples of good performance include, but are not limited to:

- good environmental performance – strong commitment to protecting the environment demonstrated through compliance with environmental legislation particularly the Waste Management Policy (Ships Ballast Water) and continually improving ballast water management
- good ballast water reporting and record keeping – punctual submission of forms; comprehensive, accurate reporting (particularly in irregular circumstances); and demonstrated ability to use the Ballast Water Decision Support System (BWDSS) when necessary
- low-risk ballast water management – permanent fresh water, nil domestic ballast or nil requirements to ever discharge in Victorian State waters.

### **2. Environmental commitment/policy**

To ensure a high level of performance in domestic ballast water management is maintained for each visit to a Victorian port, the ship's owner and master must be

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

committed to protecting the Victorian marine environment from introduced pest species. This commitment should be demonstrated through an environmental statement or policy and, more specifically, ballast water management.

### **3. Environmental procedures**

In addition, the ship's owner and master must have suitable environmental procedures or systems in place to ensure a high level of performance. Documented operational procedures on board the ship must incorporate ballast water management.

## **HOW TO APPLY FOR ACCREDITATION**

### **Who can apply?**

The owner of the ship must apply for an accreditation agreement.

### **Application form**

The application for an accreditation agreement must be made on Application Form: Victorian Domestic Ballast Water Accreditation Agreement (available for download with this guideline) together with a covering letter from the ship's owner, a copy of the Certificate of Registration of the Company and written authorisation for a person to act on behalf of the owner.

Applications that are not accompanied by an Application Form: Victorian Domestic Ballast Water Accreditation Agreement cannot be considered by the Authority and the applicant will be invited to resubmit the application.

### **Information to be supplied**

The covering letter should contain sufficient information to demonstrate compliance with the following criteria:

#### **1. Environmental performance**

- (a) Performance to date. Provide a summary of the ship's good ballast water management since the commencement of the Policy, including examples. The applicant may also wish to provide examples of good general environmental performance.
- (b) Capacity to maintain and/or improve performance. Include a brief statement about the ship's and/or owner's ongoing capacity to maintain and/or improve ballast water performance, including planned improvements or changes.

#### **2. Environmental commitment/policy**

Provide a copy of (or reference to) the ship owner's environmental statement or policy, including the policy in regard to minimising the introduction of marine pests. This formal commitment should be consistent with the Victorian ballast water requirements.

#### **3. Environmental procedures**

Evidence of how ballast water management has been incorporated into the ship owner's operational procedures should be provided. The applicant may also wish to provide examples of where other environmental

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

procedures or systems have been put in place (for example, waste management).

## **Interviews with the ship's owner and master(s)**

The ship's owner and master(s) should arrange a suitable time to meet with the Authority. It is preferable that the owner, master and Authority all attend the one meeting. However, if this is not possible, an additional interview time may be arranged. Each master who wishes to operate under the accreditation agreement must participate in an interview.

The Authority will require the master(s) to demonstrate the following, through standard questions:

- (a) a good understanding of the statutory requirements for domestic ballast water management in Victoria
- (b) a high level of performance in domestic ballast water management.

The Authority may also ask the master(s) to provide examples of how ballast water management has been incorporated into the ship's operational procedures and discuss environmental management generally.

A ballast water inspection may also be conducted at the time of the interview.

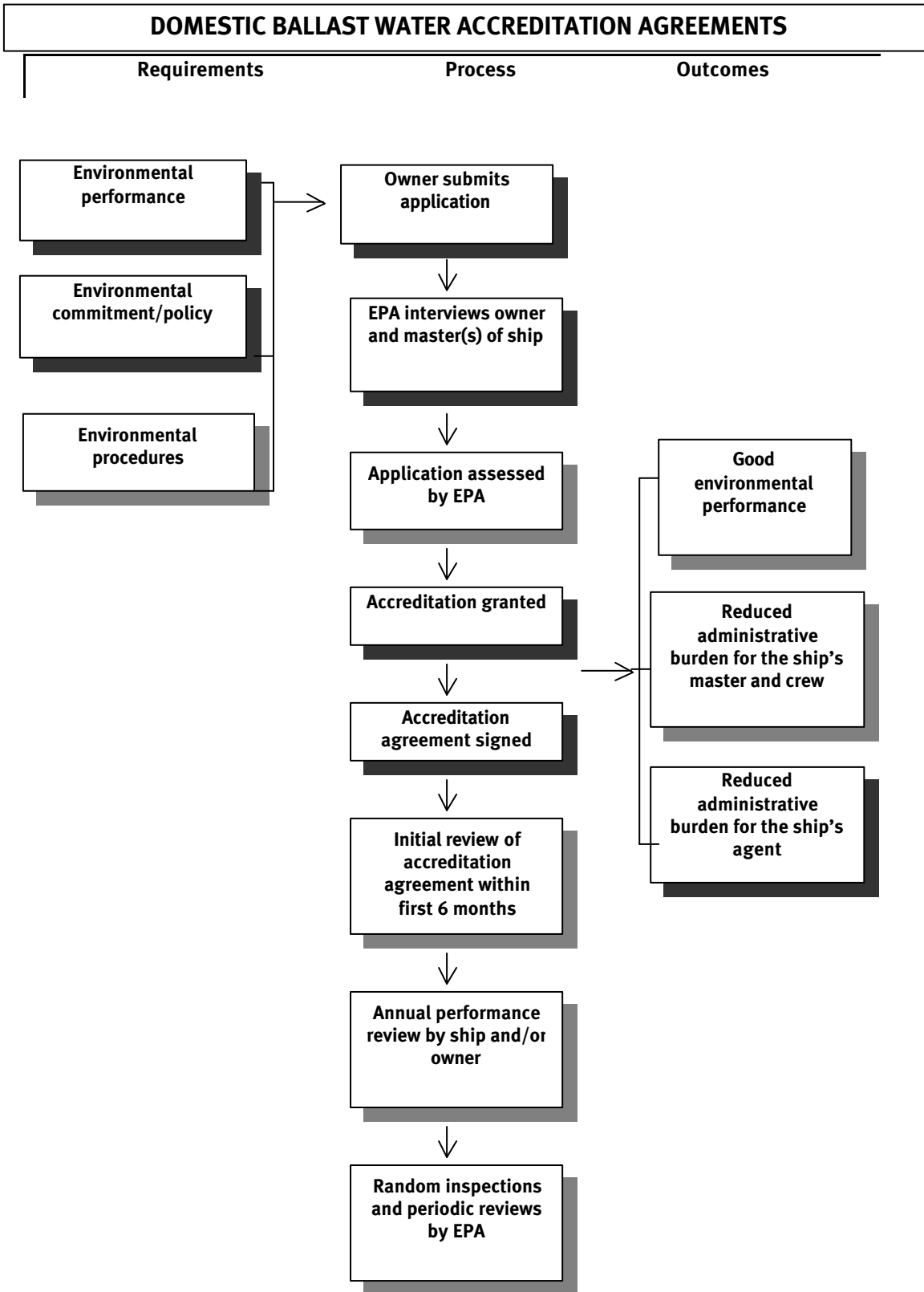
The owner will be required to demonstrate a high level of performance in domestic ballast water management. The owner should demonstrate a commitment to protecting the Victorian marine environment from introduced pest species and a commitment to

ensuring that the ship's procedures ensure appropriate ballast water management.

## **Schedules**

A schedule will be drawn up with each vessel that is to be accredited. The schedule will outline details such as the ship's particulars, voyage details, handover requirements, requirements for additional information and regular masters as nominated by the ship's owner. During the interview process, EPA officers will discuss the requirements of the schedule for the vessel with the ship's owner and master(s).

**WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER)  
DOMESTIC BALLAST WATER ACCREDITATION –  
GUIDELINES FOR APPLICANTS**



# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

## **GRANTING ACCREDITATION**

The Authority will grant accreditation if satisfied that the application meets the requirements outlined in this guideline, the PEM and the Policy. The applicant will be advised in writing of the Authority's decision. If the decision is to grant accreditation, the applicant will be provided with a draft accreditation agreement for comment.

Successful applicants will be published on the EPA website and relevant publications. This will include details relating to the name of the ship, the IMO number and the name of the owner.

If the Authority determines that an applicant is unsuitable for accreditation, the Authority will notify the applicant and provide advice as to why the accreditation was not granted and suggestions for improvements.

## **MAINTAINING ACCREDITATION**

Accreditation is granted to a ship subject to the requirements of accreditation being maintained.

The master is responsible for:

- (a) a ballast water record book maintained by the ship
- (b) good communication with the Authority in the event of a change in domestic ballast water management.

The master and owner are responsible for:

- (c) good communication regarding changes to ownership or master.

### **Ballast water record book**

As part of the accreditation agreement, ships will be required to maintain a ballast water record book to ensure that ballast water management arrangements are recorded effectively. For example, where there are ballasting operations, each visit to a Victorian port should appear as a separate entry in the ship's ballast water record book. The record book should meet standards for record keeping under the International Convention for the Control and Management of Ship's Ballast Water and Sediments.

### **Notification of changes in ballast water management**

In the case of a ship changing its ballast water management from that documented in the schedule of the accreditation agreement, the master must advise the Authority as soon as practicable before arriving in a Victorian port (preferably 24 hours prior to arrival in Victorian waters).

Circumstances such as a change in ballast water uptake location, change in proposed discharge location, decision to discharge ballast or conditions preventing ballast water management must be conveyed to the Authority via the standard Victorian Ballast Water Form and EPA Ballast Water Log.

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

## **Changes in ship's circumstances**

The accredited party must advise the Authority if a new master (one not listed on the schedule as a regular master) will be visiting Victorian State waters. This must occur at least 24 hours prior to berthing in a Victorian port, in order to allow for communication between the Authority and the master. If the Authority is satisfied that an appropriate handover has been conducted and the new master is adhering to the ballast water accreditation agreement and other requirements as listed in the schedule for that vessel, the new master will not have to submit ballast water forms or logs. If, however, the Authority is not satisfied that the new master is adhering to the agreement, then the master must revert to normal non-accredited reporting requirements.

If the new master is to become a regular master on this vessel, then EPA officers will determine whether the master meets the requirements as outlined in the vessel's accreditation agreement and schedule.

Changes in ship details (such as name or contact details) must be conveyed to the Authority in writing within 14 days of the change or at least 24 hours prior to the ship berthing, whichever occurs first.

However, if there is a change in owner or current charter arrangements the accreditation agreement will be cancelled and the ship will revert to normal reporting arrangements. The Authority must be advised

within 14 days of the change or at least 24 hours prior to the ship berthing, whichever occurs first. The new owner should re-apply to the Authority for a new accreditation agreement.

## **MONITORING ACCREDITATION**

A number of checks and balances are integrated into the system to monitor performance. These include:

- (a) an initial review by the EPA, within six months of accreditation being granted
- (b) annual performance review by the ship or owner
- (c) subsequent periodic reviews by the EPA
- (d) random inspections by the EPA.

## **Reviews and inspections by the Authority**

The Authority will conduct an initial review of the ship's performance within six months of issuing the accreditation agreement.

After the initial review, the Authority will review an accreditation agreement periodically. As part of the review, the Authority will request the owner and master to make available documents related to ballast water management. These may include the ballast water record book, deck logs, related environmental statements or policies and procedures, and any other

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

document relating to compliance with the Policy.

In addition to these reviews, the Authority may conduct random ballast water compliance inspections to ensure that the ship's master and crew are demonstrating compliance with the Policy.

## **Annual performance review by ship and/or owner**

To ensure that a high level of performance in domestic ballast water management is maintained for each visit to a Victorian port, the ship and/or owner must complete an annual performance review. The review must include reference to: the ballast water record book; any non-compliances; changes in ballast water management; any relevant changes in the ship's circumstances; and any other comments. The review must be submitted annually to the authority c/o the Ballast Water Officer, GPO Box 4395QQ Melbourne, Vic 3001 by the agreed date in the accreditation agreement.

## **PENALTIES AND LOSS OF ACCREDITATION**

If there is reason to believe that the conditions of accreditation are not being adhered to, the Authority may require a review of the ship's performance at any time.

Where the Authority finds a ship is performing poorly (such as failing to maintain a ballast water record book or not advising the Authority of changes in ballast water

management or changes in the ship's circumstances) or is not complying with its ballast water commitment/policy or operational procedures, the Authority will investigate the circumstances of the ship, including its potential to continue to operate under an accreditation agreement.

Should the Authority determine that the requirements of this guideline, the PEM or the Policy are not being met, accreditation may be cancelled. In such cases, the Authority will revoke the accreditation agreement and the ship will be required to undertake normal reporting procedures. However, where the ship's owner and master(s) make a renewed commitment, the Authority may determine to continue the ship's accreditation agreement.

The Environment Protection Act 1970 has substantial penalties for a person who contravenes any rules or requirements relating to industrial waste specified in a waste management policy, or for polluting State waters.

Additionally, if an offence is committed against the Environment Protection Act 1970 with respect to the discharge or emission of wastes or pollutants from any ship, the owner and the master of the ship are each guilty of the offence.

A person who provides false or misleading information to the Authority is guilty of an indictable offence. The maximum penalty applicable is a fine of up to 2400 penalty units.

# WASTE MANAGEMENT POLICY (SHIPS BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION – GUIDELINES FOR APPLICANTS

---

## **RELATED DOCUMENTS**

Environment Protection Act 1970

Waste Management Policy (Ships Ballast  
Water)

Protocol for Environmental Management  
(PEM) Domestic Ballast Water Management in  
Victorian State Waters.

APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER  
ACCREDITATION AGREEMENT

Clause 15(1) of the Waste Management Policy (Ships Ballast Water) states that a ship owner may apply to EPA Victoria to enter into a domestic ballast water accreditation agreement.

Please read EPA Publication 995, Waste Management Policy (Ships Ballast Water) Domestic Ballast Water Accreditation Agreements – Guidelines for Applicants, for details of requirements, and ensure all sections of this form are completed.

**APPLICANT'S DETAILS:**

Full name and address of owner (as defined under the Marine Act 1988): ..... ..... .....	Australian Company Number (ACN)(if applicable): .....
Registered or principal office of owner (or owner's representative) in Australia (if different from above): ..... ..... .....	Copy of Certificate of Registration for the company included? YES NO (Please circle)  Business name certificate? YES NO (Please circle)
Postal address (if different from above): ..... ..... .....	Ship's registration certificate YES NO (Please circle)
Particulars of person authorised on behalf of owner to apply for accreditation Name:..... Position:..... (Please attach evidence of written authorisation to this application)	Contact details: Ph(BH):..... Ph(MOB):..... Fax:..... Email:.....
Name of ship: .....	IMO Number:.....
Names of ship's master(s) and qualifications:  (1) ..... ..... (2) ..... ..... (3) ..... .....	Ship's Country of registry: ..... Class of ship: ..... Gross tonnage: .....
Details of standard voyage (add attachments if necessary): From:..... to ..... (and from:..... to ..... from:..... to .....)	Please circle: (load / discharge cargo) (load / discharge cargo) (load / discharge cargo) (load / discharge cargo) (load / discharge cargo) (load / discharge cargo)



EPA  
VICTORIA

*because this is our home*

APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER  
ACCREDITATION AGREEMENT

**Details of standard ballast water management for the voyages listed (add attachment if necessary):**

1. Type of ballast (e.g., no ballast, fresh water, in port (specify), open sea etc)

.....  
.....  
.....

2. Ballast water capacity (e.g., list all of the ballast water tanks and their capacity):

.....  
.....  
.....  
.....

3. Ballast water pump capacities (e.g., list all of the pumps and their current estimated capacity):

.....  
.....  
.....  
.....  
.....  
.....

4. Type of treatment used (e.g., retained on board/internal transfer/exchange (flow through /empty refill)):

.....  
.....  
.....  
.....  
.....  
.....

5. Is gravity used for pumping? YES NO (Please circle) Explain below

.....  
.....

6. Is there an unpumpable volume in any of the tanks? YES NO (Please circle) How much?

.....  
.....

7. How often are the ballast tanks/pumps inspected?

.....  
.....

8. What is the maintenance schedule for ballast tanks/pumps?

.....  
.....

9. Specify the date of the last dry dock:

.....  
.....



EPA  
VICTORIA

APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER  
ACCREDITATION AGREEMENT

**APPLICATION REQUIREMENTS:**

**Important: Please attach full details for items below. Refer to EPA Publication no. 995, Waste Management Policy (Ships Ballast Water) Domestic Ballast Water Accreditation Agreements – Guidelines for Applicants, for details of requirements.**

1. Environmental performance: (a) Performance to date; and (b) Capacity to maintain and/or improve performance.
2. Environmental commitment/policy (a) Environmental statement or policy; and (b) Statement or policy regarding the ship's and/or owner's commitment to protecting the Victorian marine environment from introduced marine pests.
3. Environmental procedures (a) Evidence of the incorporation of ballast water management into the ship's and/or owner's operational procedures; and (b) Examples of any other environmental procedures or systems in place.
Ballast water logbook set up? YES NO (please circle)

**CERTIFICATION BY APPLICANT:**

**Please certify that all of the information supplied is accurate and correct**

Surname:.....	Other names:.....
Position in company:.....	Signature:.....
I certify that the information contained in this application for accreditation is accurate.	Date:.....

Applications made by or on behalf of business names or unincorporated associations will not be accepted. The completed application should be forwarded to:

Ballast Water Officer  
Water and Catchment Unit  
EPA Victoria  
GPO Box 4395QQ  
Melbourne VIC 3001

The personal information on this form and any correspondence, notice or other document issued following processing of this information will be stored and used by EPA for the purposes of administering the *Environment Protection Act 1970*. You may access this information by contacting the EPA Privacy Information Officer. This information may be disclosed to another government organisation, including to a Tribunal or Court, where required for the purpose of administering or enforcing the *Environment Protection Act* or any other relevant laws.