



Biosecurity (Ballast Water and Sediment) Determination 2017

made under section 308A of the

Biosecurity Act 2015

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About this compilation

This compilation

This is a compilation of the *Biosecurity (Ballast Water and Sediment) Determination 2017* that shows the text of the law as amended and in force on 13 October 2019 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Biosecurity (Ballast Water and Sediment) Determination 2017*.

3 Authority

This instrument is made under section 308A of the *Biosecurity Act 2015*.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) approved arrangement;
- (b) Australian seas;
- (c) Australian territorial seas;
- (d) Ballast Water Convention;
- (e) ballast water exchange;
- (f) ballast water management;
- (g) ballast water reception facility;
- (h) sediment reception facility.

In this instrument:

Act means the *Biosecurity Act 2015*.

ballast water discharge report means a report that is required to be given under subsection 267(1) of the Act.

EEZ sourced water has the meaning given by subsection 13(5).

from the nearest land has the same meaning as in regulation A-1.6 of the Annex to the Ballast Water Convention.

gross tonnage has the meaning given by the Ballast Water Convention.

high seas means seas that are more than 200 nautical miles from the nearest land.

regulation B-3 of the Annex to the Ballast Water Convention means the version of regulation B-3 set out in MEPC 71/WP.11/Rev.1 dated 5 July 2017 (whether or not that version of regulation B-3 is in force in the Ballast Water Convention).

Part 2—Reporting ballast water discharges

6 Information that must be included in ballast water discharge report

For the purposes of paragraph 267(2)(a) of the Act, a ballast water discharge report in relation to an intended discharge, or a discharge, of ballast water from a vessel in Australian territorial seas must include the following information:

- (a) information identifying the vessel;
- (b) contact details for the person on board the vessel who is responsible for managing the vessel's ballast water;
- (c) information identifying and describing the tanks and pumps used to manage the vessel's ballast water;
- (d) details of the voyage during which the discharge is intended to occur or occurred;
- (e) if a ballast water management certificate has been issued for the vessel:
 - (i) the date the certificate was issued; and
 - (ii) the name of the authority that issued the certificate; and
 - (iii) the place where the certificate was issued; and
 - (iv) the expiry date of the certificate;
- (f) if there is a ballast water management plan for the vessel:
 - (i) whether the plan has been approved as referred to in section 286 of the Act and is on board the vessel; and
 - (ii) whether the vessel's ballast water and sediment have been managed in accordance with the vessel's ballast water management plan;
- (g) whether the vessel has ballast water records on board the vessel that comply with Part 5 of Chapter 5 of the Act;
- (h) whether the vessel intends to dispose of, or has disposed of, sediment in Australian territorial seas;
 - (i) if the intended discharge, or discharge, would be, or is, covered by an exception under Part 3 of Chapter 5 of the Act—details about the exception and information about how the conditions relating to the exception are to be, or have been, complied with;
 - (j) the port or other location where the discharge is intended to occur or occurred;
- (k) the date and time when the discharge is intended to occur or occurred;
- (l) the estimated volume (in cubic metres) of ballast water intended to be discharged or discharged.

7 Manner and time for giving ballast water discharge report

- (1) For the purposes of paragraph 267(2)(b) of the Act, a ballast water discharge report:
 - (a) must be given in writing and may be given electronically; and
 - (b) must be given to the Director of Biosecurity.

Note: The report must be in a form or forms approved by the Director of Biosecurity (see paragraph 267(2)(d) of the Act).

- (2) For the purposes of paragraph 267(2)(c) of the Act, a ballast water discharge report must be given:
- (a) at least 12 hours before the discharge to which the report relates is intended to occur; or
 - (b) if it is not possible to comply with paragraph (a)—at the time specified by a biosecurity official.

8 Exceptions to requirement to give ballast water discharge report

For the purposes of subsection 267(3) of the Act, the operator of a vessel is not required to give a ballast water discharge report in relation to an intended discharge, or a discharge, of ballast water from the vessel in Australian territorial seas if:

- (a) biosecurity risks associated with discharges of ballast water from the vessel are managed in accordance with an approved arrangement covering the operator; or
- (b) the operator is satisfied that:
 - (i) immediately before the intended discharge, or discharge, at least 95% of the relevant ballast water on the vessel will have been or was taken up within the outer limits of the exclusive economic zone of Australia; and
 - (ii) the vessel has not left the waters within the outer limits of the exclusive economic zone of Australia since the ballast water was taken up; or
- (c) all of the following apply:
 - (i) the operator has previously given a report under section 267 of the Act in relation to an intended discharge, or discharge, of ballast water from the vessel in Australian territorial seas;
 - (ii) the operator is satisfied that, immediately before giving the report, at least 95% of the relevant ballast water on the vessel will have been or was taken up in the territorial seas of a foreign country or the high seas;
 - (iii) since the discharge to which the report related, the vessel has not left the waters within the outer limits of the exclusive economic zone of Australia; or
- (d) an agreement that relates to the vessel is in force under paragraph 20(1)(a) exempting the operator from having to give a ballast water discharge report.

Part 3—Management of discharge of ballast water

Division 1—Approving methods of ballast water management

9 Application for approval of method of ballast water management

- (1) For the purposes of subsection 273(1) of the Act, an application for approval of a method of ballast water management must:
 - (a) be in writing; and
 - (b) be in a form approved by the Director of Biosecurity; and
 - (c) if the application is for approval of a ballast water management system—be consistent with, and include the information required by, the Code for Approval of Ballast Water Management Systems adopted by the Marine Environment Protection Committee of the International Maritime Organization at London on 13 April 2018 by resolution MEPC.300(72), as in force from time to time; and
 - (d) if the application is for approval of a prototype ballast water treatment technology—be consistent with, and include the information required by, the IMO guidelines for approval of prototype ballast water treatment technologies; and
 - (e) if the application is for approval of any other method of ballast water management—be consistent with, and include the information required by, the IMO guidelines for approving other methods of ballast water management.

Note: Resolution MEPC.300(72) could in 2019 be viewed on the International Maritime Organization's website (<http://www.imo.org>).

- (2) For the purposes of subsection 273(3) of the Act, the Director of Biosecurity may approve a method of ballast water management if the application for the approval complies with subsection (1) of this section.

10 Method of ballast water management—approval of method approved by foreign country

For the purposes of section 274 of the Act, a method of ballast water management is approved if the method is included in the document (the **approval document**) entitled *Table 3: List of ballast water management systems which received Type Approval Certification by their respective Administrations (resolutions MEPC.175(58) and MEPC.228(65))*, made by the International Maritime Organization, as in force from time to time.

Note: The text of the approval document could in 2017 be viewed on the International Maritime Organization's website (<http://www.imo.org>).

Division 2—Ballast water exchange

11 Management by ballast water exchange

For the purposes of paragraph 275(1)(a) of the Act, the proportion (by volume) of ballast water in a vessel's tank that must have been taken up in an acceptable ballast water exchange conducted by the vessel is 95%.

12 Vessels excluded from the operation of section 275 of the Act

- (1) For the purposes of paragraph 275(1)(c) of the Act, a vessel is excluded from the operation of section 275 of the Act if:
 - (a) under regulation B-3 of the Annex to the Ballast Water Convention, the vessel would not be permitted to manage ballast water for discharge using ballast water exchange; and
 - (b) a determination under subsection (3) is not in force in relation to the vessel.

Note: For the definition of *regulation B-3*, see section 5.

Vessels may apply not to be excluded from the operation of section 275 of the Act

- (2) An application may be made by the owner of a vessel for the Director of Biosecurity to determine that the vessel is not excluded from the operation of section 275 of the Act.
- (3) The Director of Biosecurity may, by written notice given to the applicant:
 - (a) determine that the vessel is not excluded from the operation of section 275 of the Act if the Director of Biosecurity is satisfied that:
 - (i) the vessel operates predominantly in Australian seas or the high seas; or
 - (ii) the vessel operates predominantly within the outer limits of the exclusive economic zone of a foreign country or the high seas; or
 - (iii) the vessel is a vessel of a kind described in regulation A-5 of the Annex to the Ballast Water Convention; or
 - (b) refuse to make the determination.

Note 1: Regulation A-5 of the Annex to the Ballast Water Convention deals with pleasure craft and search and rescue craft.

Note 2: See also section 32 in relation to decisions made under this section.

- (4) If the Director of Biosecurity makes a determination under subsection (3), the Director of Biosecurity must determine the period during which the determination is in force.

Revocation of determination

- (5) The Director of Biosecurity may revoke a determination made under subsection (3).

Section 13

- (6) Subsection (5) does not limit subsection 33(3) of the *Acts Interpretation Act 1901*.

Review of decisions

- (7) Each of the following decisions is a **reviewable decision**:
- (a) a decision under subsection (3) to refuse to make a determination;
 - (b) a decision under subsection (4) to determine a period during which a determination is in force;
 - (c) a decision under subsection (5) to revoke a determination.

The **relevant person** for the decision is the person who applied for the determination.

13 Acceptable locations for ballast water exchange

- (1) This section applies for the purposes of paragraph 275(3)(a) of the Act.

Note: A ballast water exchange that is conducted in an area prescribed by this section is an acceptable ballast water exchange if it is conducted in accordance with requirements prescribed by section 14.

- (2) This section does not apply in relation to a vessel if at least 95% of the total of relevant ballast water on the vessel consists of ballast water taken up in the high seas.

Note: For such ballast water, see section 19.

Ballast water sourced outside the EEZ, and Australian vessels that are not in Australian seas

- (3) For a vessel whose ballast water is not EEZ sourced water, and for an Australian vessel that is not in Australian seas, the area must be:
- (a) at least 200 nautical miles from the nearest land; or
 - (b) if the vessel is unable to conduct a ballast water exchange in an area described in paragraph (a)—at least 50 nautical miles from the nearest land; or
 - (c) if the vessel is unable to conduct a ballast water exchange in an area described in paragraph (a) or (b):
 - (i) at least 12 nautical miles from the nearest land, or a lesser distance determined under section 15; and
 - (ii) outside the Ningaloo ballast water exchange exclusion area (see subsection (6)).

Ballast water sourced from within the EEZ

- (4) For a vessel whose ballast water is EEZ sourced water (except an Australian vessel that is not in Australian seas), the area must be:
- (a) at least 12 nautical miles from the nearest land, or a lesser distance determined under section 15; and
 - (b) outside the Ningaloo ballast water exchange exclusion area (see subsection (6)).
-

Meaning of EEZ sourced water

- (5) A vessel's ballast water is **EEZ sourced water** if at least 95% of the relevant ballast water on the vessel immediately before a discharge of ballast water is taken up within the outer limits of the exclusive economic zone of Australia.

Ningaloo ballast water exchange exclusion area

- (6) The **Ningaloo ballast water exchange exclusion area** is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Ningaloo ballast water exchange exclusion area

Item	Description
1	The point of intersection of the outer limit of the territorial sea, north of North West Cape Western Australia, by the meridian of longitude 114°14'21"E
2	North along that meridian to its intersection by the outer limit of the line every point of which is 20 nautical miles from the nearest land
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 24°01'53"S
4	East along that parallel to its intersection by the outer limit of the territorial sea
5	Generally north-easterly along that outer limit to the starting point

Note: Geographic coordinates in this subsection are expressed in terms of the Geocentric Datum of Australia 1994 (commonly known as GDA94).

14 Requirements for ballast water exchange

For the purposes of paragraph 275(3)(c) of the Act, the requirements for a ballast water exchange that is conducted by a vessel in an acceptable location determined for the purposes of section 13 of this instrument are as follows:

- (a) the ballast water exchange must be conducted in water that is at least:
- (i) if the acceptable location is described in paragraph 13(3)(a) or (b)—200 metres deep; and
 - (ii) if the acceptable location is described in paragraph 13(3)(c) or subsection 13(4)—50 metres deep, or a shallower depth determined under section 15;
- (b) at least a 95% volumetric exchange of ballast water in the relevant tank must occur during the exchange;
- (c) the exchange must occur using an acceptable method referred to in the IMO guidelines for ballast water exchange;
- (d) after the exchange occurs, no more ballast water may be:
- (i) taken up into the tank from an area other than an acceptable location determined for the purposes of section 13; or
 - (ii) transferred to the tank from a tank containing ballast water that has not been managed for discharge.

Section 15

15 Determining locations and depths for ballast water exchange

- (1) An application may be made, by the owner of a vessel, for the Director of Biosecurity to determine:
 - (a) a lesser distance for the purposes of subparagraph 13(3)(c)(i) or paragraph 13(4)(a); or
 - (b) a shallower depth for the purposes of subparagraph 14(a)(ii).
- (2) The Director of Biosecurity may, by written notice given to the applicant:
 - (a) determine the distance or depth; or
 - (b) determine the distance or depth, subject to conditions; or
 - (c) refuse to determine a distance or depth.

Note: See also section 32 in relation to decisions made under this section.

Division 3—Ballast water reception facility

16 Approval of discharge to ballast water reception facility

- (1) An application under subsection 278(1) of the Act must:
 - (a) be in writing; and
 - (b) be in a form approved by the Director of Biosecurity.
- (2) For the purposes of subsection 278(3) of the Act, the Director of Biosecurity may approve the discharge of ballast water to a ballast water reception facility in Australian territory if the Director is satisfied that the ballast water reception facility complies with the requirements set out in the IMO guidelines for ballast water reception facilities.

Section 17

Division 4—Discharge covered by prescribed conditions

Subdivision A—Discharge covered by prescribed conditions

17 Application of Subdivision

This Subdivision applies for the purposes of section 278A of the Act.

18 Potable water

The condition in section 278A of the Act is met in relation to a discharge of ballast water from a vessel if:

- (a) at least 95% of the relevant ballast water on the vessel, immediately before the discharge, consists of potable water; and
- (b) the ballast water was sourced from a municipal water supply or produced on board the vessel; and
- (c) there is documentary evidence on board the vessel:
 - (i) for ballast water sourced from a municipal water supply—stating the place where, and the time when, the water was sourced; or
 - (ii) for ballast water produced on board the vessel—confirming that the ballast water was produced on board the vessel and that the equipment generating the ballast water was operated appropriately.

19 Water taken up in the high seas

- (1) The condition in section 278A of the Act is met in relation to a discharge of ballast water from a vessel (except a vessel referred to in subsection (2)) if, immediately before the discharge, at least 95% of the total of relevant ballast water on the vessel consists of ballast water taken up in the high seas.
- (2) Subsection (1) does not apply in relation to a vessel that is excluded from the operation of section 275 of the Act by section 12 of this instrument.

20 Ballast water discharged in accordance with agreements

- (1) The condition in section 278A of the Act is met in relation to a discharge of ballast water from a vessel if:
 - (a) an agreement, between the owner of the vessel and the Director of Biosecurity, that relates to the vessel is in force when the discharge occurs; and
 - (b) the discharge occurs in accordance with the agreement; and
 - (c) all conditions specified in the agreement have been complied with.
- (2) The Director of Biosecurity may:
 - (a) enter into agreements for the purposes of subsection (1); and
 - (b) impose conditions in the agreements; and

- (c) exempt, in the agreements, operators of vessels from having to give a ballast water discharge report under section 267 of the Act; and
 - (d) revoke or vary such agreements:
 - (i) on request of the owner of the vessel; or
 - (ii) if the Director of Biosecurity is satisfied that a condition specified in the agreement has not been complied with or that the risks relating to a discharge of ballast water from the vessel have increased.
- (3) A decision under subparagraph (2)(d)(ii) to revoke or vary an agreement relating to a vessel is a **reviewable decision**. The owner of the vessel is the **relevant person**.

21 Ballast water discharge in same risk area

- (1) The condition in section 278A of the Act is met in relation to a discharge of ballast water from a vessel if:
- (a) at least 95% of the relevant ballast water on the vessel, immediately before the discharge, had been taken up in any one of the areas specified in the notifiable instrument made under subsection (2); and
 - (b) the discharge also occurs in that area; and
 - (c) at the time of the discharge, the vessel is not excluded from the operation of section 275 of the Act by section 12 of this instrument.
- (2) The Director of Biosecurity may, by notifiable instrument, specify areas for the purposes of paragraph (1)(a).

Note: The power in this subsection may be delegated (see subsection 542(1) of the Act).

22 Australian vessels complying with overseas laws

The condition in section 278A of the Act is met in relation to a discharge of ballast water from a vessel if:

- (a) the vessel is an Australian vessel that is not in Australian seas; and
- (b) the vessel is in the territorial seas of a State that is a party to the Ballast Water Convention; and
- (c) the discharge complies with all the laws of the State relating to discharges of ballast water.

Subdivision B—Grant of exemption for discharge

23 Grant of exemption for discharge

- (1) For the purposes of subsection 280(3) of the Act, the Director of Biosecurity may grant an exemption under subsection 280(2) of the Act for one or more discharges of ballast water from a vessel if:
- (a) a risk assessment in relation to the discharge or discharges has been conducted; and
 - (b) the risk assessment indicates that the level of biosecurity risk associated with the discharge or discharges is acceptable; and

Part 3 Management of discharge of ballast water

Division 4 Discharge covered by prescribed conditions

Section 23

- (c) the Director of Biosecurity has taken into account the IMO guidelines for risk assessment.
- (2) For the purposes of subsection 280(3) of the Act and without limiting subsection (1) of this section, the Director of Biosecurity may grant an exemption under subsection 280(2) of the Act for one or more discharges of ballast water from a vessel if biosecurity risks associated with discharges of ballast water from the vessel are managed in accordance with an approved arrangement covering the operator of the vessel.

Part 4—Ballast water management plans and ballast water management certificates

Division 1—Exemptions from the requirement to have ballast water management plans and certificates

24 Exemptions from the requirement to have ballast water management plans and certificates

For the purposes of subsection 285A(3) of the Act, a vessel used only for recreational use that is of less than 400 gross tonnage is exempt from the requirements in subsections 285A(1) and (2) of the Act.

25 Scheme to provide further exemptions from requirement to have ballast water management plan and certificate

- (1) This section applies for the purposes of section 285B of the Act.
- (2) An application may be made by the owner of a vessel for the Director of Biosecurity to grant an exemption to the vessel from the requirement in subsection 285A(1) or (2) of the Act.
- (3) The Director of Biosecurity may, by written notice given to the applicant:
 - (a) grant the exemption; or
 - (b) grant the exemption, subject to conditions; or
 - (c) refuse to grant the exemption.

Note: See also section 32 in relation to decisions made under this section.

Division 2—Ballast water management plans

26 Ballast water management plan for a vessel

For the purposes of paragraph 286(b) of the Act, the requirements for a document that is intended to be a ballast water management plan for a vessel are as follows:

- (a) the document must include mandatory provisions in accordance with the IMO guidelines for ballast water management and development of ballast water management plans;
- (b) the document must be in the form set out in the Appendix to those guidelines.

27 Scheme for approval of ballast water management plan for a vessel

- (1) For the purposes of section 287 of the Act, the Director of Biosecurity or a survey authority may, in accordance with this section, do any of the following in relation to a vessel:
 - (a) approve a ballast water management plan for the vessel;
 - (b) approve an amendment of the vessel's ballast water management plan;
 - (c) cancel the approval of the vessel's ballast water management plan.

Approval of ballast water management plan

- (2) The Director of Biosecurity or a survey authority may approve a ballast water management plan for a vessel if the following requirements are met:
 - (a) the plan includes mandatory provisions in accordance with the IMO guidelines for ballast water management and development of ballast water management plans;
 - (b) the plan is in the form set out in the Appendix to those guidelines;
 - (c) if the Director of Biosecurity is approving the plan—the plan has been endorsed by a survey authority.

Approval of amendment of ballast water management plan

- (3) The Director of Biosecurity or a survey authority may approve an amendment of a ballast water management plan for a vessel if the Director of Biosecurity or survey authority is satisfied that the plan, as amended, will meet the requirements in subsection (2).

Cancellation of approval of ballast water management plan

- (4) The Director of Biosecurity or a survey authority may cancel the approval of a ballast water management plan for a vessel if the plan no longer meets the requirements in subsection (2).

Note: A decision under this section to refuse to approve a ballast water management plan or an amendment of a ballast water management plan, or to cancel the approval of a

ballast water management plan, is a reviewable decision (see Part 1 of Chapter 11 of the Act).

Division 3—Ballast water management certificates

28 Ballast water management certificate for a vessel

- (1) For the purposes of paragraph 288(c) of the Act, this section prescribes the requirements for a document that is intended to be a ballast water management certificate for a vessel.
- (2) For an Australian vessel or a foreign vessel whose Administration is a party to the Ballast Water Convention, the document must be in the form set out in Appendix I to the Ballast Water Convention.
- (3) For a foreign vessel whose Administration is not a party to the Ballast Water Convention, the document must be a survey report from a survey authority or the vessel's Administration that includes:
 - (a) the information set out in Appendix I to the Ballast Water Convention; and
 - (b) records of surveys referred to in regulation E-1 of the Annex to the Ballast Water Convention that have been carried out in relation to the vessel.

29 Scheme for survey of vessel and issue etc. of ballast water management certificate

- (1) For the purposes of subsection 290(1) of the Act, the Director of Biosecurity or a survey authority may in accordance with this section do, on behalf of the Commonwealth, any of the following in relation to a vessel:
 - (a) survey the vessel to determine whether a ballast water management certificate should be issued or endorsed for the vessel;
 - (b) issue a ballast water management certificate for the vessel;
 - (c) endorse a ballast water management certificate for the vessel;
 - (d) withdraw a ballast water management certificate for the vessel;
 - (e) extend the period during which a ballast water management certificate for the vessel is in force;
 - (f) amend the expiry date on a ballast water management certificate for the vessel.
- (2) The Director of Biosecurity or a survey authority must carry out the appropriate survey of a vessel, as referred to in regulation E-1 of the Annex to the Ballast Water Convention, before:
 - (a) issuing, endorsing or withdrawing a ballast water management certificate for the vessel; or
 - (b) extending the period during which a ballast water management certificate is in force for the vessel; or
 - (c) amending the expiry date on a ballast water management certificate for the vessel.
- (3) If, after carrying out a survey of a vessel under subsection (2), the Director of Biosecurity or the survey authority is satisfied that the applicable requirements in

regulation E-1 of the Annex to the Ballast Water Convention are met in relation to the vessel, the Director or the survey authority must (as the case requires):

- (a) issue or endorse a ballast water management certificate for the vessel; or
- (b) extend the period during which a ballast water management certificate is in force for the vessel; or
- (c) amend the expiry date on a ballast water management certificate for the vessel.

(4) If:

- (a) a ballast water management certificate is in force for a vessel; and
- (b) the Director of Biosecurity or a survey authority is satisfied, after conducting a survey referred to in regulation E-1 of the Annex to the Ballast Water Convention, that the requirements of that Convention are no longer being met;

the Director of Biosecurity or the survey authority must withdraw the ballast water management certificate.

(5) A ballast water management certificate issued under this section must be in the form set out in Appendix I to the Ballast Water Convention.

Part 5—Ballast water records

30 Requirements for ballast water record system for a vessel

For the purposes of subsections 292(1) and (1A) of the Act, the requirements for a ballast water record system carried on board a vessel are as specified in regulation B-2 of the Annex to the Ballast Water Convention.

31 Requirements for records of ballast water operations and disposals of sediment

- (1) This section is made for the purposes of paragraph 293(2)(c) of the Act.

Record of ballast water operation

- (2) The requirements for a record of a ballast water operation conducted by an Australian vessel (whether in or outside Australian seas), or a foreign vessel, are the following:
- (a) the record must comply with regulation B-2 of the Annex to the Ballast Water Convention;
 - (b) if the discharge is covered by an exemption under section 278A or 279 of the Act—the record must describe the circumstances of, and the reasons for, any discharge in relation to which the condition in that section is met.

Record of disposal of sediment

- (3) The requirements for a record of a disposal of sediment from an Australian vessel (whether in or outside Australian seas), or a foreign vessel, are as follows:
- (a) the record must include the following information:
 - (i) the date and time, and the location of the vessel, when the disposal occurred;
 - (ii) information identifying the tanks from which the sediment was disposed;
 - (iii) the estimated volume (in cubic metres) of sediment disposed of;
 - (iv) any residual sediment remaining in the tanks at the end of the disposal;
 - (b) the record must be made in, or translated into, English, French or Spanish;
 - (c) the record must be signed (which may be in electronic form) by the person in charge of the disposal;
 - (d) each completed page of the record must be signed (which may be in an electronic form) by the person in charge of the vessel.

Note: If the records of a vessel comply with subsection 295(1) of the Act and this section, the vessel has appropriate ballast water records.

Part 6—Decisions

32 Decisions

- (1) This section applies if the Director of Biosecurity makes a decision under any of the following provisions (the *relevant provision*) in relation to an application:
 - (a) subsection 12(3);
 - (b) subsection 15(2);
 - (c) subsection 25(3).

- (2) The Director of Biosecurity must make the decision and give the written notice to the applicant under relevant provision before the end of 28 days after the application for the decision was made.

- (3) If the Director of Biosecurity does not do so within that 28-day period, the Director is taken to have refused the application at the end of that period.

Director of Biosecurity may require further information

- (4) The Director of Biosecurity may, by written notice, require a person who has made an application referred to in subsection (1) to give the Director information about the application.
- (5) If a notice is given under subsection (4):
 - (a) the 28-day period referred to in subsection (2) stops on the day the notice is given; and
 - (b) that period begins again on the day after the information is given to the Director of Biosecurity.

Part 7—Transitional and application provisions

33 Application provisions relating to the *Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019*

- (1) The amendment made by item 1 of Schedule 1 to the *Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019* applies in relation to a discharge of ballast water from a vessel that occurs after the commencement of that item.
- (2) The amendments made by items 3 and 4 of Schedule 1 to the *Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019* apply in relation to an application to approve a method of ballast water management that is made under subsection 273(1) of the *Biosecurity Act 2015* on or after 13 October 2019.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Ballast Water and Sediment) Determination 2017	1 Sept 2017 (F2017L01123)	8 Sept 2017 (s 2(1) item 1)	
Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019	4 Oct 2019 (F2019L01307)	Sch 1 (items 1, 2): 5 Oct 2019 (s 2(1) item 2) Sch 1 (items 3–6): 13 Oct 2019 (s 2(1) item 3)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 3	
Division 1	
s 9	am F2019L01307
Division 4	
Subdivision A	
s 21	am F2019L01307
Part 7	
Part 7	ad F2019L01307
s 33	ad F2019L01307
	am F2019L01307
Schedule 1	rep LA s 48C