

IMPORT HEALTH STANDARD FOR SHIPS' BALLAST WATER FROM ALL COUNTRIES

Issued pursuant to Section 22 of the Biosecurity Act 1993

Dated: 13 June 2005

1. REVIEW

The original standard was issued by Ministry of Fisheries in May 1998. It was reviewed to include improved procedures and transition to the format of Biosecurity New Zealand, Ministry of Agriculture and Forestry (MAF) in June 2005.

<p>Nothing in this standard is to be read as relieving ship masters of their responsibility for the safety of the vessel, passengers and crew.</p>

2. APPLICATION

This import health standard (IHS) applies to ballast water loaded within the territorial waters of a country other than New Zealand and intended for discharge in New Zealand waters. The IHS does not apply to: ballast water that will not be discharged in New Zealand waters; ballast water loaded in New Zealand waters; or emergency discharge of ballast water.

3. GENERAL CONDITIONS

It is the responsibility of the Master of the vessel to ensure that the ballast water and any associated sediment, intended for discharge in New Zealand, comply with the conditions in the standard. Ballast water that does not comply with the conditions must not be discharged in New Zealand waters.

Compliance with these controls must be consistent with the safety of the crew and the vessel. Nothing in these controls is to be read as relieving the Master of their responsibility for the safety of the vessel.

4. DEFINITIONS

Ballast water - water, including its associated constituents (biological or otherwise), placed in a ship to increase the draft, change the trim or regulate stability. It includes associated sediments, whether within the water column or settled out in tanks, sea-chests, anchor lockers, plumbing, etc.

Internal waters - means:

- harbours, estuaries, and other areas of the sea that are on the landward side of the baseline of the territorial sea of a coastal state; and
- rivers and other inland waters that are navigable by ships.

Inspector - an inspector appointed under section 103 of the Biosecurity Act, 1993

New Zealand waters - means:

- the internal waters of New Zealand; and
- the territorial sea of New Zealand.

Territorial sea – For New Zealand this is the sea within 12 nautical miles of the seaward side of the baseline of the territorial sea. (See section 3 of the Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act, 1977 for definition of New Zealand baseline)

5. REQUIREMENTS FOR BALLAST WATER

- 5.1 No ballast water may be discharged into New Zealand waters without the permission of an inspector.
- 5.2 An inspector will only permit ballast water to be discharged if satisfied that the Master has met one of the criteria in section 6 below.
- 5.3 Part I of the Vessel Ballast Water Declaration approved by the Ministry of Agriculture and Forestry must be completed for all vessels. It should be completed before arrival in New Zealand and sent accompanying the Advance Notice of Arrival to the Ministry of Agriculture and Forestry Quarantine Service (MAFQS) office at the ship's first port of arrival.
- 5.4 For vessels indicating intention to discharge ballast in New Zealand, Part 2 of the Ballast Water Declaration must also be completed, except for the columns under Question 3 for Ballast Water Discharged. This should be sent to MAFQS before arrival in New Zealand, along with Part 1, in order for a vessel to be granted permission to discharge ballast water or be granted an exemption.
- 5.5 Permission to discharge ballast water is granted when an inspector approves the discharge, signs the 'Discharge of ballast permitted' form, and sends this back to the ship. Discharge of ballast is denied when an inspector does not approve the discharge, signs the 'Discharge of ballast denied' form and sends this to the ship.
- 5.6 Before the ship leaves New Zealand the original of Part 2 must be completed with details of the discharge in New Zealand. The original signed declarations must be kept on board while in New Zealand. In addition the copy faxed or emailed from MAFQS to the ship detailing the MAFQS direction to the vessel must also be retained. These are uplifted by MAFQS at the last port of call in New Zealand.
- 5.7 Sediment which has settled in ballast tanks, ballasted cargo holds, sea-chests, anchor lockers or other equipment must not be discharged into New Zealand waters. If the ship needs to discharge sediment in New Zealand, the sediment must be landed and taken to a landfill approved by an inspector.

6. OPTIONS FOR SATISFYING AN INSPECTOR

Option 1

Demonstrating the ballast water has been exchanged en route to New Zealand in areas free from coastal influences, preferably 200 nautical miles from the nearest land and in water over 200m in depth. Accepted techniques are either emptying and refilling ballast tanks/

holds with an efficiency of 95% volumetric exchange or pumping through the tanks a water volume equal to at least three times the tank capacity. Tanks should be pumped no more than two at a time and, if two tanks are pumped together, they should be a symmetrical pair of tanks to ensure the safety of the vessel.

Option 2

Demonstrating the ballast water is fresh water (not more than 2.5 parts per thousand sodium chloride).

Option 3

Ballast water has been treated using a shipboard treatment system approved by MAF.

Option 4

Ballast is discharged in an onshore treatment facility approved by MAF.

Note - there are presently no treatment systems or facilities approved by MAF for the purposes of options 3 and 4.

7. EXEMPTIONS

It is accepted that in some circumstances exchange may not be possible. Exemptions are granted by the same process as granting permission to discharge. An exemption will generally be granted when it can be demonstrated that:

Exemption 1

- The weather conditions on the voyage in combination with the construction of the vessel have precluded safe ballast water exchange; and
- the ballast water was not loaded in any area listed in Annex 1.

Exemption 2

- The construction of the vessel has precluded ballast water exchange; and
- the ballast water was not loaded in any area listed in Annex 1.

In the case of weather conditions or vessel construction precluding the safe exchange of ballast water from Annex 1 areas, the vessel must either redistribute the ballast water around the ship's ballasting spaces in order to load cargo or, if this is not possible to accomplish with a suitable margin of safety, the ship must leave New Zealand without loading some, or all, intended cargo.

Exempted vessels are asked to discharge the least amount of ballast water possible and discharge as far offshore as practicable.

8. COSTS

The costs of inspection, analysis, identification, delays, and any other costs associated with this standard are the responsibility of the owner and/or charterer. These costs shall be actual, fair and reasonable.

9. ENQUIRIES

Unless indicated to the contrary on communications, enquiries concerning this IHS should be addressed to:

Team Manager, Border Standards
Biosecurity New Zealand
Ministry of Agriculture and Forestry
PO Box 2526
Wellington
NEW ZEALAND
FAX: 64 - 4 - 498 9888

10. OFFENCES AND PENALTIES

Providing incorrect information to an inspector is an offence under the Biosecurity Act, 1993 section 154(b). It carries a penalty for individuals of up to 12 months imprisonment and/or a fine not exceeding NZ\$50,000, and for corporations a fine not exceeding NZ\$100,000. Failure to obey the directions of an inspector is an offence under section 154(o). It carries a penalty for individuals of a fine not exceeding NZ\$5,000, and for corporations a fine not exceeding NZ\$15,000.

11. OBTAINING INFORMATION

Ship masters should communicate with MAFQS inspectors prior to their arrival in New Zealand waters to determine requirements or discuss their options if permission has been denied (these may include carrying out an exchange and resubmitting a new declaration). Communications should be directed to the MAFQS office at the intended port of arrival or one of the following:

MAF Quarantine Service CPO Box 39 Auckland Phone - (09) 303 3423 FAX - (09) 303 3037 Group Leader – 0272 924 820	MAF Quarantine Service PO Box 3042 Wellington Phone - (04) 473 8996 FAX - (04) 473 2079 Operations Manager 0274 361 345	MAF Quarantine Service Private Bag 4765 Christchurch Phone - (03) 328 7166 FAX - (03) 328 7186
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ANNEX 1

Areas listed in this annex are considered particularly high risk areas. For this reason, ballast water loaded in these areas may not be discharged into New Zealand waters under any circumstances. This list may be modified as additional information becomes available.

- Tasmania, Australia
- Port Philip Bay, Victoria, Australia