

Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019

I, Daryl Quinlivan, Director of Biosecurity, make the following determination.

Dated 3 October 2019

Daryl Quinlivan

Director of Biosecurity

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1 Name

This instrument is the *Biosecurity (Ballast Water and Sediment) Amendment (Ballast Water Management Methods) Determination 2019*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. |  |
| 2. Schedule 1, Part 1 | The day after this instrument is registered. |  |
| 3. Schedule 1, Part 2 | 13 October 2019. | 13 October 2019 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Biosecurity (Ballast Water and Sediment) Determination 2017

1 At the end of subsection 21(1)

Add:

; 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 In the appropriate position

Insert:

Part 7—Transitional and application provisions

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

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.

Part 2—Amendments commencing 13 October 2019

Biosecurity (Ballast Water and Sediment) Determination 2017

3 Paragraph 9(1)(c)

Omit “the IMO guidelines for approval of the ballast water management system”, substitute “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”.

4 At the end of subsection 9(1)

Add:

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

5 Section 33

Before “The amendment”, insert “(1)”.

6 At the end of section 33

Add:

(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.