



Australian Shipowners Association

POSITION PAPER NATIONAL ARRANGEMENTS FOR BALLAST WATER MANAGEMENT

The Australian Shipowners Association (ASA) recognises that the threat of marine pest introductions as a result of shipping activity is a real and significant threat to Australia's marine environment and accordingly ASA is an active participant in management action to reduce this risk.

The ASA has been involved in the progression of all aspects of the issue through representation at NIMPCG and other fora.

The ASA has been disappointed at the lack of progress made to date on the issue of integrating domestic and international ballast water management such that industry would not be disadvantaged by a cumbersome and highly duplicative administrative system.

The ASA is encouraged by the formation of the High Level Officials Group and the direction of the outcomes emerging from the group.

The ASA requires the following from arrangements put in place to manage the risk of marine pest introductions and translocation:

- 1) Transparent, consistent, rigorous and clear protocols for the determination of risk, including:
 - decision making regarding the nature of the risk.
 - the burden of proof required before action is taken to disrupt shipping.
 - triple-bottom-line approach to risk assessment
 - monitoring arrangements and preparatory intelligence
- 2) Consistent, clear and transparent management requirements across all jurisdictions, including:
 - A single interface to the shipping industry:
 - One set of requirements
 - One set of forms/paperwork for ALL ballast water and ALL vessels
 - One risk-assessment tool and process
 - A single point of contact for both enquires and lodging paperwork
- 3) Clear, transparent, consistent and rigorous dispute resolution protocols, including:
 - A single point of contact for all disputes
- 4) Consistent, transparent, clear and rigorous emergency response protocols, including:
 - Determination of how emergency responses will be handled.
- 5) Government to have a role in broking solutions for any vessel unable to comply with the requirements using existing or practical alternative technology.



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1) Transparent, consistent, rigorous and clear protocols for the determination of risk, including:

- **decision making regarding the nature of the risk.**
- **the burden of proof required before action is taken to disrupt shipping**
- **triple-bottom-line approach to risk assessment**
- **monitoring arrangements and preparatory intelligence**

The impact of any decision made regarding the risk posed by ballast water from a particular source needs to consider the economic and safety implications as well as the environmental consequences.

Such decisions need to be made on the basis of sound and transparent scientific information and where this is lacking or unknown, a standard set of procedures need to apply so that there is some certainty regarding the result, or at the very least certainty regarding the process.

How often data are reviewed and the monitoring programs put in place should be clearly articulated and consistent across jurisdictions. The present situation where inaction by one party (not performing a port baseline survey) results in serious management requirements by ships is unacceptable in ongoing arrangements.

2) Consistent, clear and transparent management requirements across all jurisdictions, including:

- **A single interface to the shipping industry:**
 - **One set of requirements**
 - **One set of forms/paperwork for ALL ballast water and ALL vessels**
 - **One risk-assessment tool and process**
 - **A single point of contact for both enquires and lodging paperwork**

The requirements that vessels will be obliged to meet must be identical across all ports and all jurisdictions.

The risk assessment tool provided for vessels to establish what management is required of them must be able to be used for all ballast water on all vessels.

The acceptable treatment and management methods must be consistent across all jurisdictions and for all vessels.

Duplication of forms and paperwork cause confusion and are an unnecessary administrative burden.

A single point of contact is required for ships to avoid confusion and mixed messages and relates back to having a single form for all ballast on all ships.

THE DSS

The Decision Support System is a very useful tool for domestic ballast water risk-assessments and could be more useful once national protocols for data acquisition are established.

Ships require clear instruction as to what is required of them. The current DSS as a 'decision support system' not a 'decision making system' does provide this. If a ship



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accesses the DSS and then treats the 'high risk' ballast water as prescribed by the relevant authorities then there needs to be some certainty that the action undertaken by the vessel was both correct and acceptable. The notion that the DSS does not provide an assessment of risk and that a regulatory body might determine something other than that displayed by the DSS is unacceptable to a vessel at sea.

The DSS needs to include all decisions affecting the overall risk assessment, not only the biological risk, to ensure that the ship is able to access up-to-date information and act upon it without fear of repercussion.

3) Clear, transparent, consistent and rigorous dispute resolution protocols, including:

- **A single point of contact for all disputes**

Where a ship has particular difficulties in complying with the requirements for ballast water management or the risk assessment result is in dispute, a single point of contact with consistent arrangements for dealing with the issue must exist.

4) Consistent, transparent, clear and rigorous emergency response protocols, including:

- **Determination of how emergency responses will be handled.**

This would be expected to include a clearly documented response plan and preparation for handling such a response via training personnel and testing the plan (perhaps along the lines of oil spill response training).

Whilst the shipping industry would be prepared to consider ad-hoc arrangements upon the positive identification of a known pest species, a clear process to determine the risk posed and proportionate management response would be required.

5) Government to have a role in broking solutions for any vessel unable to comply with the requirements using existing or practical alternative technology.

A very real result of the current and proposed ballast water management arrangements is that some vessels will be physically unable to comply with the requirements using the only method currently available; ballast water exchange.

This is a significant issue that requires meaningful consideration by all parties involved in the ballast water management issue.

Requiring compliance in the existing climate where there is a lack of treatment methods available has the potential to inflict considerable financial burden on the shipping industry and economic impact on the jurisdictions involved.

A situation where compliance is required 'without exception' could lead to many vessels ceasing to trade with Australia or provide coastal services or disproportionately high costs for vessels to ballast from other sources (ie. fresh water or treated waste water). Obviously the infrastructure, and therefore cost required to



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provide the later is significant, if it in fact proves feasible from a safety and operations point of view. The idea that entire classes of vessels could be prohibited from working on the Australian coast is equally unattractive financially, socially, economically and environmentally.

Further, the ASA require that these outcomes are provided in a manner that results in least cost and least risk to the shipping industry, the reasons for which are described below.

Least cost approach

To date, marine pest management within Australia has been cost-recovered from the shipping industry. There is no indication that this approach is likely to change in the future.

Therefore, the determination of any future administrative and service delivery options to further manage marine pest issues must be done at the least cost to industry.

A 'least cost' approach would involve only one regulator, therefore eliminating any duplication of effort and therefore cost.

If government cannot provide a least cost solution this must be acknowledged and the additional financial burden be borne by another party(s).

Least risk approach

The ASA require that the approach to marine pest management provide an administrative and legislative framework that least exposes the shipping industry to the risk of future legislative change/amendment and interpretation of requirements.

A 'least risk' approach would involve only one regulator, therefore eliminating any duplication of legislation, confusion or inconsistency in interpretation and future unilateral amendments.

The development of arrangements other than those providing a least risk approach are likely to require management and coordination which is both unnecessary and unwelcome by the ASA.