



Victoria Government Gazette

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SPECIAL

Environment Protection Act 1970

AN ORDER RELATING TO NOTIFIABLE CHEMICALS

Order in Council

1. The Governor in Council-
 - (a) being of the opinion that an Order under section 30D of the Environment Protection Act 1970 is necessary to prevent or abate a serious environmental hazard; and
 - (b) acting on the recommendation of the Environment Protection Authority (the Authority) – under section 30D of the **Environment Protection Act 1970**, subject to the conditions specified in this Order, declares organotin antifouling paint to be a notifiable chemical, and prohibits the sale, handling or use of organotin antifouling paint.
2. The conditions applying to this Order are as follows:
 - (a) The handling, use, sale or supply of organotin antifouling paint is prohibited in relation to:
 - (i) any rope, net, pier, buoy, mooring, or any other structure in marine, freshwater, estuarine or coastal waters of Victoria whether fixed, non-fixed or temporary;
 - (ii) any vessel that is less than 25 metres in length and any fixture, component or part of any vessel less than 25 metres in length.
 - (b)
 - (i) The handling or use of organotin antifouling paint is prohibited in relation to any vessel that is 25 metres or greater in length and any fixture, component or part of any vessel 25 metres or greater in length without the prior written consent of the Authority.
 - (ii) The Authority may impose conditions on the handling or use of organotin antifouling paint as it considers necessary and may vary or revoke such conditions at any time by written notice.
 - (c) Subject to sub-clause (a) the sale, supply, purchase or receipt of organotin antifouling paint is prohibited unless:
 - (i) the purchaser or receiver of organotin antifouling paint provides to the seller or supplier at the time of purchase or receipt:
 - (1) proof of identification in the following form:
 - (A) for a commercial vessel – a sales purchase order;
 - (B) for a recreational (non-commercial) vessel – a current driver's licence or current passport; and
 - (2) documentation in the following form that states that the vessel to which organotin antifouling paint is to be applied is 25 metres or greater in length:
 - (A) for a commercial vessel operating solely in the coastal waters of Victoria or the territorial sea of Australia – a copy of the Certificate of Survey (or equivalent) as issued by the Marine Board of Victoria or other relevant State or Territory;
 - (B) for an internationally flagged vessel or vessel undertaking overseas voyages – the vessel's Lloyd's Register (LR) Number and imprint of Ship's Stamp;
 - (C) for a recreational (non-commercial) vessel – a copy of the vessel registration papers;
 - (D) for a vessel not defined by any of the above categories – written approval of the Authority.

- (ii) the seller or supplier of organotin antifouling paint:
 - (1) records the details of the sale or supply of organotin antifouling paint in a format approved by the Authority;
 - (2) provides a copy of the documentation required by clause 2(c)(ii)(1) above to the purchaser or receiver and the Authority not later than 30 days from the date of sale or supply;
 - (3) retains the documentation required by clause 2(c)(ii)(1) above for a period of 5 years from the date of sale or supply;
 - (4) makes the documentation required by clause 2(c)(ii)(1) above available for inspection on demand by the Authority.
- 3. This Order takes effect on the date of publication in the Government Gazette and remains in force until it is revoked or varied.
- 4. Definitions –
 - “**coastal waters of Victoria**” has the meaning given to it by section 3 of the **Coastal Waters (State Powers) Act 1980** (C’th);
 - “**territorial sea of Australia**” has the meaning given to it by section 4 of the **Coastal Waters (State Powers) Act 1980** (C’th);
 - “**length**” means the overall length of the hull of a vessel;
 - “**National Registration Authority**” is the authority responsible for the evaluation, registration and regulation of agricultural and veterinary chemicals on the Australian market under the **Agricultural and Veterinary Chemicals Act 1994** and the **Agricultural and Veterinary Chemicals Code Act 1994**;
 - “**organotin antifouling paint**” includes any coating, paint or treatment containing any compound of tin registered by or permitted for use by the National Registration Authority;
 - “**organotin**” means any organic compound of tin which acts as a biocide;
 - “**vessel**” means any boat or ship or other form of watercraft.

Dated 27 June 2000.

Responsible Minister:
SHERRYL GARBUTT MP
Minister for Environment and Conservation

HELEN DOYE
Clerk of the Executive Council

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Level 3, 356 Collins Street

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Victoria Australia

Subscriptions

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125 Highbury Road, Burwood

Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

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Retail Sales

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