

VICTORIA GOVERNMENT
G A Z E T T E

No. S 29 Thursday 1 June 1989

By Authority Jean Gordon Government Printer Melbourne

SPECIAL

STATUTORY RULES 1989

No. 123

Environment Protection Act 1970

The Administrator in Council makes the following Regulations:

Dated: 1 June 1989

Responsible Minister:

T. W. ROPER

Minister for Planning and Environment

KATHY OUZOUNIS

Acting Clerk of the Executive Council

Environment Protection (Organotin Antifouling Paint) Regulations 1989

Title

1. These Regulations may be cited as the Environment Protection (Organotin Antifouling Paint) Regulations 1989.

Objectives

2. The objective of these Regulations is to prohibit or regulate the use of organotin antifouling paint and its discharge, emission or deposit into the environment.

Power

3. These Regulations are made under the powers conferred by section 71 (1) (e) of the *Environment Protection Act 1970*.

Commencement

4. These Regulations shall come into operation on 1 June 1989.

Definitions

5. In these Regulations:

"Estuarine" means partially enclosed coastal waters characterised by tidal effects and mixing of fresh with sea water.

"Length" means the length overall of a ship.

"Organotin antifouling paint" means a coating, paint or treatment that contains any compound of tin.

Prohibiting use of organotin antifouling paint

6. A person must not use organotin antifouling paint on or apply it to or cause or permit it to be used on or applied to—

- (i) a ship which is 25 metres or less in length; or
- (ii) a pier, buoy, mooring or any other structure in marine or estuarine waters.

Regulating use of organotin antifouling paint

7. (1) A person must not use organotin antifouling paint or apply it to or cause or permit it to be used on or applied to a ship that is more than 25 metres in length except with the prior written consent of the Authority.

(2) The Authority may include in its written consent such conditions and limitations as the Authority considers appropriate and may from time to time in writing revoke or vary a condition or limitation as the Authority considers appropriate.

Revocation of consent

8. The Authority may in writing revoke its written consent in the event of a breach or failure to comply with a condition or limitation of the consent.

Penalty

9. A person who contravenes or fails to comply with any provision of these Regulations or who fails to comply with a condition or limitation included in a written consent or with a revocation of or variation of such consent given by the Authority under regulation 7 (2) is guilty of an offence and liable to a penalty of not more than 8 penalty units.

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