

# **Ozone Protection Amendment Regulations 1999 (No. 1) 1999 No. 73**

## EXPLANATORY STATEMENT

### STATUTORY RULES 1999 No. 73

ISSUED BY AUTHORITY OF THE MINISTER FOR THE ENVIRONMENT & HERITAGE

Ozone Protection Amendment Regulations 1999 (No. 1)

Section 70 of the *Ozone Protection Act 1989* (the Act) provides that the Governor-General may make regulations prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The existing *Ozone Protection Regulations 1995* (the Regulations) prescribe a fee of \$10,000 for the grant of a controlled substances or used substances licence to allow the import, export or manufacture of specified ozone depleting substances. Subregulation 3(2) provides the Minister with the discretion to waive this fee under certain circumstances.

On 25 January 1996, the Senate Standing Committee on Regulations and Ordinances (the Committee) wrote to the then Minister for the Environment, Sport and Territories suggesting that the discretion under subregulation 3(2) should be subject to review by the Administrative Appeals Tribunal (AAT) because of the substantial fee involved.

The proposed regulations adopt the Committee's suggestion and will provide that the Minister's discretion under subregulation 3(2) be subject to AAT review.

Details of the regulations are as follows:

Regulation 1 states the regulations are to be known as the *Ozone Protection Amendment Regulations 1999*

Regulation 2 provides the *Ozone Protection Amendment Regulations 1999* commence upon gazettal

Regulation 3 provides that the Regulations are amended as set out in Schedule 1. Schedule 1 states:

- the text of Regulation 1 is to be updated, in accordance with the current statutory naming convention, such that the Regulations are cited as the *Ozone Protection Regulations 1995*.

- Regulation 6A is to be inserted in the Regulations.

Regulation 6A provides, in accordance with the *Administrative Appeals Tribunal Act ' 1975*, an application maybe made to the AAT to review the Minister's discretion to refuse to waive the payment of the fee for the grant of a licence under subregulation 3(2).