



Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 October 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Josh Frydenberg
Minister for the Environment and Energy

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1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017*.

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.	19 October 2017
2. Schedule 1	1 January 2018.	1 January 2018

Note: This table relates only to the provisions of this instrument as originally made.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 the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

1 Paragraph 121(1)(d)

Repeal the paragraph, substitute:

- (d) include the information needed by the authority to decide the application, including the information required by subregulations (1A) and (1B).

2 After subregulation 121(1)

Insert:

(1A) The application must include:

- (a) details about the applicant's relevant training and experience; and
- (b) in the case of an application by an individual—evidence about the applicant's knowledge about this Division, the Act and any standard that is relevant to the work to be carried out under the permit; and

Note: Relevant standards are set out in Table 135.

- (c) evidence that the applicant is a fit and proper person to hold the permit; and
- (d) for an application for an authorisation mentioned in subregulation 140(1)—evidence that the applicant will meet the requirements mentioned in subregulation 140(3); and
- (e) for an application for a halon special permit—evidence that the applicant will meet the requirements mentioned in subregulation 150(3).

(1B) However, if:

- (a) the applicant holds an RAC industry permit (the *current permit*) at the time the application is made; and
- (b) the current permit and the permit for which the application is made are the same type of RAC industry permit; and
- (c) the application is made no later than 30 days before the current permit ceases to be in force;

then, instead of the details or evidence required by a paragraph of subregulation (1A), the application may include:

- (d) if there has been a change in relation to the matter mentioned in the paragraph since the application for the current permit was made—evidence of the change; or
- (e) confirmation that there has been no change in relation to the matter mentioned in the paragraph since the application for the current permit was made.

(1C) Without limiting the information a relevant authority may take into account in deciding whether to grant an RAC industry permit, if subregulation (1B) applies in relation to the application for the permit, the relevant authority may take into account any information previously provided by the applicant.

3 After regulation 122

Insert:

122A Period for which permit is in force

An RAC industry permit is in force:

- (a) from the day on which it is granted, or another day specified by the relevant authority in writing; and
- (b) for a period of no more than 36 months specified in writing by the authority.

4 Regulation 130

Repeal the regulation, substitute:

130 Grant of refrigerant handling licences—document

If the relevant authority grants 1 or more licences to a person it must give the person a document setting out the details of each licence granted.

5 Subregulation 140(4)

Repeal the subregulation.

6 Subregulation 140(6)

Repeal the subregulation.

7 Subregulation 141(1) (note)

Repeal the note.

8 Subregulations 150(4) and (5)

Repeal the subregulations.

9 Regulation 200 (after paragraph (m) of the definition of *Non-QPS Exemption List*)

Insert:

- ; and (n) for the year 2018—the document called *Exemption List for Non-QPS Applications of Methyl Bromide in 2018*, published by the Department, as in force on 1 January 2018.

10 Subregulation 213(6) (after paragraph (m) of the definition of *Non-QPS Intermediate Supplier List*)

Insert:

- ; and (n) for the year 2018—the document called *Intermediate Supplier List for Non-QPS Applications of Methyl Bromide in 2018*, published by the Department, as in force on 1 January 2018.

11 Paragraph 313(1)(c)

Repeal the paragraph, substitute:

- (c) include the information needed by the Board to decide the application, including the information required by subregulations (1A) and (1B).

12 After subregulation 313(1)

Insert:

- (1A) The application must include:
- (a) details about the applicant's relevant training and experience; and
 - (b) in the case of an application by an individual—evidence about the applicant's knowledge about this Division, the Act and any standard that is relevant to the work to be carried out under the permit; and

Note: Relevant standards are set out in Table 326.

- (c) evidence that the applicant is a fit and proper person to hold the permit; and
- (d) the name of the applicant's employer (if any); and
- (e) for an application for an extinguishing agent trading authorisation—evidence that the applicant will meet the requirements mentioned in subregulation 331(3); and
- (f) for an application for a halon special permit—evidence that the applicant will meet the requirements mentioned in subregulation 341(3).

(1B) However, if:

- (a) the applicant holds a fire protection industry permit (the *current permit*) at the time the application is made; and
- (b) the current permit and the permit for which the application is made are the same type of fire protection industry permit; and
- (c) the application is made no later than 30 days before the current permit ceases to be in force;

then, instead of the details or evidence required by a paragraph of subregulation (1A), the application may include:

- (d) if there has been a change in relation to the matter mentioned in the paragraph since the application for the current permit was made—evidence of the change; or
- (e) confirmation that there has been no change in relation to the matter mentioned in the paragraph since the application for the current permit was made.

(1C) Without limiting the information the Board may take into account in deciding whether to grant a fire protection industry permit, if subregulation (1B) applies in relation to the application for the permit, the Board may take into account any information previously provided by the applicant.

13 After regulation 314

Insert:

314A Period for which permit is in force

A fire protection industry permit is in force:

- (a) from the day on which it is granted, or another day specified by the Fire Protection Industry (ODS & SGG) Board in writing; and
- (b) for a period of no more than 36 months specified in writing by the Board.

14 Subregulation 321(3)

Repeal the subregulation.

15 Subregulation 321(4)

Omit "Board", substitute "Fire Protection Industry (ODS & SGG) Board".

16 Subregulation 331(5)

Repeal the subregulation.

17 Subregulation 341(4)

Repeal the subregulation.

18 Paragraph 344(a)

Omit “regulation 321”, substitute “Subdivision 6A.4.3”.

19 In the appropriate position in Part 10

Insert:

Division 3—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017**959 RAC industry permits—application provision**

Despite the repeal of subregulations 130(3), 140(4) and 150(4) by the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017*, those subregulations continue to apply in relation to RAC industry permits granted before the commencement of this regulation, as if the repeals had not happened.

960 Fire protection industry permits—application provision

Despite the repeal of subregulations 321(3), 331(5) and 341(4) by the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017*, those subregulations continue to apply in relation to fire protection industry permits granted before the commencement of this regulation, as if the repeals had not happened.