



Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 August 2020

David Hurley
Governor-General

By His Excellency's Command

Trevor Evans
Assistant Minister for Waste Reduction and Environmental Management
Parliamentary Secretary to the Minister for the Environment

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1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020*.

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. The whole of this instrument	The day after this instrument is registered.	19 August 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Use of HCFCs for laboratory and analytical purposes

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

1 Regulation 500 (note 1)

Repeal the note.

2 Regulation 500 (note 2)

Omit “Note 2”, substitute “Note”.

3 At the end of Part 6A

Add:

Division 6A.7—HCFCs manufactured or imported on or after 1 January 2020 used for laboratory and analytical purposes

600 Use of HCFCs manufactured or imported on or after 1 January 2020 for laboratory and analytical purposes (Act s 45C)

- (1) For the purposes of subsection 45C(2) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for laboratory and analytical purposes.
- (2) Subregulation (1) does not apply if the use is excluded, under any decision made by the parties to the Montreal Protocol that applies to Australia, from being exempt by virtue of being laboratory and analytical uses from a provision of the Montreal Protocol.

Note 1: Regulation numbers 601 to 899 (inclusive) are intentionally not used.

Note 2: Use of HCFCs for the purpose of servicing RAC equipment is dealt with in regulation 113B. Use of HCFCs for the purpose of maintaining fire protection equipment is dealt with in regulation 305A.

Part 2—Contravening conditions of certain licences, authorisations and permits

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

4 Subregulation 136(1)

Repeal the subregulation (not including the penalty), substitute:

- (1) A person commits an offence if:
 - (a) the person holds a licence granted under this Subdivision; and
 - (b) the person engages in conduct; and
 - (c) the conduct contravenes a condition of the licence.

5 Subregulation 142(1)

Repeal the subregulation (not including the penalty), substitute:

- (1) A person commits an offence if:
 - (a) the person holds an authorisation granted under this Subdivision; and
 - (b) the person engages in conduct; and
 - (c) the conduct contravenes a condition of the authorisation.

6 At the end of Subdivision 6A.4.3

Add:

327 Offence—contravention of licence condition

- (1) A person commits an offence if:
 - (a) the person holds an extinguishing agent handling licence; and
 - (b) the person engages in conduct; and
 - (c) the conduct contravenes a condition of the licence.

Penalty: 10 penalty units.

- (2) An offence under subregulation (1) is an offence of strict liability.

7 At the end of Subdivision 6A.4.4

Add:

333 Offence—contravention of condition of authorisation

- (1) A person commits an offence if:
 - (a) the person holds an extinguishing agent trading authorisation; and
 - (b) the person engages in conduct; and
 - (c) the conduct contravenes a condition of the authorisation.

Penalty: 10 penalty units.

- (2) An offence under subregulation (1) is an offence of strict liability.

8 At the end of regulation 341

Add:

- (6) A person commits an offence if:
- (a) the person holds a halon special permit; and
 - (b) the person engages in conduct; and
 - (c) the conduct contravenes a condition of the permit.

Penalty: 10 penalty units.

- (7) An offence under subregulation (6) is an offence of strict liability.

9 After subparagraph 342(3)(b)(ii)

Insert:

- (ia) if one or more conditions are put on the exemption under subregulation (4)—the conditions; and

10 At the end of regulation 342

Add:

- (4) The relevant authority may put a condition on the exemption.
- (5) A person commits an offence if:
- (a) the person holds a special circumstances exemption; and
 - (b) the person engages in conduct; and
 - (c) that conduct contravenes a condition of the exemption.

Penalty: 10 penalty units.

- (6) An offence under subregulation (5) is an offence of strict liability.

11 Regulation 906A (at the end of the table)

Add:

14	Subregulation 327(1)	Extinguishing agent handling licence contravention
15	Subregulation 333(1)	Extinguishing agent trading authorisation contravention
16	Subregulation 341(6)	Halon special permit contravention
17	Subregulation 342(5)	Special circumstances exemption contravention

12 At the end of Part 10

Add:

**Division 7—Amendments made by the Ozone Protection and
Synthetic Greenhouse Gas Management Amendment (2020
Measures No. 1) Regulations 2020**

973 Contravening conditions of certain licences, authorisations and permits

The amendments made by Part 2 of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020* apply in relation to a contravention of a condition of any of the following:

- (a) a licence granted under Subdivision 6A.2.2;
- (b) an authorisation granted under Subdivision 6A.2.3;
- (c) a Division 6A.4 permit (other than a discharge of scheduled substances permit);

that starts to occur on or after the commencement of this regulation, whether the licence, authorisation or permit is granted, or the condition is imposed, before, on or after that commencement.