

Ozone Protection and Synthetic Greenhouse Gas Management Amendment (HFC Quota Allocation—Grandfathered Quota) 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 17 September 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

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 2

1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (HFC Quota Allocation—Grandfathered Quota) 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. | 29 September 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

1 Paragraph 48(3)(a)

Omit “licenced”, substitute “licensed”.

2 Subregulation 50(2) (definition of *amount of licensed activities*)

Omit “licenced”, substitute “licensed”.

3 Subregulation 50(2) (definition of *annual amount of licenced activities*)

Repeal the definition.

4 Subregulation 50(2)

Insert:

***annual amount of licensed activities*** of a person for a calendar year means:

(a) for 2019—the amount applicable under subregulation (3) for the person; or

(b) for 2020 or a later calendar year—the amount applicable under subregulation (4) for the person.

5 At the end of regulation 50

Add:

Annual amount of licensed activities—2019

(3) For the purposes of paragraph (a) of the definition of ***annual amount of licensed activities*** in subregulation (2), the amount for a person for 2019 is the lesser of:

(a) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during the year; and

(b) the amount of grandfathered quota included in the HFC quota allocated to the person for the year.

Annual amount of licensed activities—2020 and later calendar years

(4) For the purposes of paragraph (b) of the definition of ***annual amount of licensed activities*** in subregulation (2), the amount for a person for 2020 or a later calendar year is:

(a) unless paragraph (b) of this subregulation applies—the amount of grandfathered quota included in the HFC quota allocated to the person for the year; or

(b) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during the year, if that quantity is less than:

(i) for 2020—75% of the amount mentioned in paragraph (a) of this subregulation; or

(ii) for later calendar years—90% of the amount mentioned in paragraph (a) of this subregulation.