



Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota—2022-2023) Determination 2021

I, Trevor Evans, Assistant Minister for Waste Reduction and Environmental Management, make the following determination.

Dated 15 June 2021

TREVOR EVANS

Assistant Minister for Waste Reduction and Environmental Management

Contents

1	Name.....	1
2	Commencement	1
3	Authority	1
4	Simplified outline of this instrument.....	1
5	Definitions	2
6	Entitlement.....	2
7	Amount	3

Section 1

1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota—2022-2023) Determination 2021*.

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.	

Note: This table relates only to the provisions of this instrument as originally made.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 subregulation 51(4) of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

4 Simplified outline of this instrument

This instrument specifies who is entitled to non-grandfathered quota for the third HFC quota allocation period (2022 and 2023) and the amount of the non-grandfathered quota to be allocated as follows:

- (a) each eligible applicant is entitled to non-grandfathered quota; and
- (b) the Department of Agriculture, Water and the Environment, on behalf of the Commonwealth, is entitled to 130 CO₂e tonnes; and
- (c) the remaining non-grandfathered HFC industry limit is divided evenly between the eligible applicants.

5 Definitions

In this instrument:

Act means the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

CO₂e means carbon dioxide equivalent.

CO₂e tonne means $\frac{1}{1,000,000}$ of a CO₂e megatonne.

eligible applicant means a person who is entitled to non-grandfathered quota for the HFC quota allocation period 2022-2023 pursuant to subregulation 51(1) of the Regulations, other than the Commonwealth.

Note: For entitlement to non-grandfathered quota, see subregulation 51(1) of the Regulations

eligible applicant entitlement amount means the amount equal to:

(the non-grandfathered HFC industry limit - 130 CO₂e tonnes)

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the number of eligible applicants who apply for non-grandfathered quota under section 6(a)

non-grandfathered HFC industry limit means 0.3125 CO₂e megatonnes.

Note: The non-grandfathered HFC industry limit is the non-grandfathered percentage (5%) of the HFC industry limit (6.25 CO₂e megatonnes) for the years in the third HFC quota allocation period.

Regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

Note 1: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) CO₂e megatonnes; and
- (b) HFC quota.

Note 2: A number of expressions used in this instrument are defined in the Regulations, including the following:

- (a) non-grandfathered quota; and
- (b) HFC quota allocation period.

6 Entitlement

For the purposes of paragraph 51(4)(a) of the Regulations, a person is entitled to non-grandfathered quota for each of the years 2022-2023 if:

- (a) the person is an eligible applicant and that person makes an application for non-grandfathered quota; or
- (b) the person is the Commonwealth, as represented by the Department of Agriculture, Water and the Environment.

Section 7

7 Amount

For the purposes of paragraph 51(4)(b) of the Regulations, the amount of non-grandfathered quota to which a person is entitled for each of the years 2022-2023 is:

- (a) for an eligible applicant – the eligible applicant entitlement amount; or
- (b) for the Commonwealth, as represented by the Department of Agriculture, Water and the Environment – 130 CO₂e tonnes.

