



Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022

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 15 December 2022

David Hurley
Governor-General

By His Excellency's Command

Tanya Plibersek
Minister for the Environment and Water

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1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022*.

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. | 20 December 2022 |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

1 Regulation 40

Omit:

Reserve HFC quotas may be allocated for 2022. A person may apply for a reserve HFC quota for 2022 if the person:

- (a) holds SGG licences for 2021 and 2022; and
- (b) has been allocated an HFC quota for 2021.

The Minister may allocate a person a reserve HFC quota for 2022 if:

- (a) the person applies for the quota; and
- (b) the person ordered one or more consignments of HFCs before 1 October 2021; and
- (c) at the time the order was placed, it was reasonable to expect that the consignments would be imported in 2021; and
- (d) the delivery of the consignments was delayed, or is likely to be delayed, until 2022 for reasons beyond the person's control; and
- (e) the sum of the quantity of HFCs involved in the person's regulated HFC activities for 2021 and the quantity of HFCs in the consignments will not be more than the person's HFC quota for 2021.

substitute:

Reserve HFC quotas may be allocated for a calendar year. A person may apply for a reserve HFC quota for the calendar year if the person:

- (a) holds SGG licences that cover the calendar year and the previous calendar year; and
- (b) has been allocated an HFC quota for that previous calendar year.

The Minister may allocate a person a reserve HFC quota for the calendar year if:

- (a) the person applies for the quota; and
- (b) the person ordered one or more consignments of HFCs before 1 October of the previous calendar year; and
- (c) at the time the order was placed, it was reasonable to expect that the consignments would be imported in that previous calendar year; and
- (d) the delivery of the consignments was delayed, or is likely to be delayed, for reasons beyond the person's control; and
- (e) the sum of the quantity of HFCs involved in the person's regulated HFC activities for that previous calendar year and the quantity of HFCs in the consignments will not be more than the person's HFC quota for that previous calendar year.

2 Subregulation 50(5)

Repeal the subregulation (including the note), substitute:

Annual amount of licensed activities—effect of allocation of reserve HFC quota

(5) For the purposes of paragraph (4)(b), if:

(a) the person is allocated reserved HFC quota for a calendar year (the *current year*) in respect of a consignment of HFCs ordered before 1 October of the previous calendar year (see paragraph 62(1)(b)); and

(b) the consignment is imported in the current year;

then the consignment is taken to have been imported in the previous calendar year rather than the current year.

3 Paragraph 60(1)(a)

Omit “the 2022”, substitute “a”.

4 Paragraphs 60(1)(b) and (d)

Before “year”, insert “calendar”.

5 Subregulation 61(1)

Omit “the 2022”, substitute “a”.

6 Paragraph 61(1)(a)

Omit “2021 and 2022 calendar years”, substitute “calendar year and the previous calendar year”.

7 Paragraph 61(1)(b)

Omit “2021”, substitute “previous”.

8 Subparagraph 61(2)(b)(i)

Omit “2022 calendar year—1 December 2021”, substitute “calendar year—1 December of the previous calendar year”.

9 Subparagraph 61(2)(b)(ii)

Omit “2022”, substitute “of the calendar year”.

10 Subregulation 62(1)

Omit “the 2022” (first occurring), substitute “a”.

11 Paragraph 62(1)(a)

Omit “that year”, insert “the calendar year”.

12 Subparagraph 62(1)(b)(i)

Omit “2021”, substitute “of the previous calendar year”.

13 Subparagraph 62(1)(b)(ii)

Omit “2021”, substitute “previous”.

14 Subparagraph 62(1)(b)(iii)

Omit “2022”.

15 Paragraph 62(1)(c)

Omit “2021” (wherever occurring), substitute “previous”.

16 Subregulation 62(2)

Omit “2022”.

17 Paragraph 62(4)(b)

Repeal the paragraph, substitute:

(b) specify the calendar year for which the quota is allocated.

18 Subregulation 63(1)

Omit “the 2022”, substitute “a”.

19 Subregulation 63(2)

Omit “2022”.

20 Subregulation 63(3)

Omit “the 2022”, substitute “a”.

21 Paragraph 63(3)(a)

Omit “2021”, substitute “previous”.

22 Paragraph 63(3)(b)

Omit “2021” (first occurring), substitute “previous”.

23 Paragraph 63(3)(b)

Omit “the 2021” (second occurring), substitute “that previous”.

24 Regulation 64

Repeal the regulation, substitute:

64 Reserve HFC quota limit

- (1) For the purposes of paragraph 36G(3)(b) of the Act, the *reserve HFC quota limit* for a calendar year is the amount worked out by reducing Australia’s HFC consumption limit for the calendar year by the HFC industry limit specified in regulation 42 for that calendar year.
- (2) For the purposes of subregulation (1), *Australia’s HFC consumption limit* for a calendar year is the amount worked out for Australia for the calendar year using the method set out in Article 2J(1) of the Montreal Protocol, as that method is in force when this subregulation commenced.

Part 2—Amendments relating to special circumstances exemptions

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

25 Regulation 110 (at the end of the definition of *RAC industry permit*)

Add:

; (f) a special circumstances exemption.

26 Regulation 110

Insert:

special circumstances exemption has the meaning given by regulation 151.

27 After paragraph 111(1)(b)

Insert:

(c) both:

- (i) the holder of a special circumstances exemption; and
- (ii) entitled under the exemption to carry out the work; or

(ca) both:

- (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to carry out the work; and
- (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

28 After paragraph 112(2)(c)

Insert:

; or (d) both:

- (i) the holder of a special circumstances exemption; and
- (ii) entitled under the exemption to acquire, possess or dispose of bulk refrigerant; or

(e) both:

- (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to acquire, possess or dispose of bulk refrigerant; and
- (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

29 After paragraph 112(3)(b)

Insert:

; or (c) the holder of a special circumstances exemption that entitles the holder to acquire, possess or dispose of bulk refrigerant.

30 After paragraph 113(1)(c)

Insert:

; or (d) both:

- (i) the holder of a special circumstances exemption; and
- (ii) entitled under the exemption to possess halon; or

(e) both:

- (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to possess halon; and
- (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

31 Paragraph 113(2)(b)

Omit “gave it to the operator of a refrigerant destruction facility”, substitute:

gave it to:

- (i) the operator of a refrigerant destruction facility; or
- (ii) the holder of a special circumstances exemption that entitles the holder to possess halon.

32 After subregulation 113A(1A)

Insert:

(1B) Subregulation (1) does not apply to a person if:

- (a) at the time of making the representation, the person is an employee or contractor of the holder of a special circumstances exemption; and
- (b) the representation made by the person is for an activity covered by the exemption.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1B)—see subsection 13.3(3) of the *Criminal Code*.

33 Regulation 120 (heading)

Omit “**Relevant authority’s**”, substitute “**Minister’s**”.

34 Paragraph 121(1)(c)

After “fee”, insert “(if any)”.

35 Paragraph 121(1)(c) (note)

Repeal the note.

36 Paragraph 121(1)(d)

Repeal the paragraph, substitute:

- (d) be accompanied by any information or documents required by the form.

Note 1: Application fees for Part 6A are set out in Division 6A.4A.

Note 2: The Minister may approve different forms for different RAC Industry permits.

37 Subregulation 121(1A)

Repeal the subregulation.

38 Subregulation 121(1B)

Omit “However, if”, substitute “If”.

39 Subregulation 121(1B)

Omit “details or evidence required by a paragraph of subregulation (1A)”, substitute “information or documents required to accompany the form”.

40 Paragraphs 121(1B)(d) and (e)

Omit “matter mentioned in the paragraph”, substitute “information or documents”.

41 After subregulation 121(1C)

Insert:

- (1D) The relevant authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.

42 Paragraph 121(2)(a)

Repeal the paragraph, substitute:

- (a) provided all of the information and documents required under subregulation (1); or

43 Paragraph 121(2)(b)

Omit “or the Minister”.

44 Paragraph 121(2)(c)

Omit “information”, substitute “information, documents”.

45 Paragraph 121(2)(d)

After “information”, insert “or documents”.

46 Paragraph 121(3)(b)

After “information” (wherever occurring), insert “, documents”.

47 At the end of regulation 121

Add:

- (4) An applicant may withdraw an application at any time before the relevant authority decides the application.
- (5) An applicant is taken to have withdrawn an application if:
- (a) the relevant authority asks the applicant for information, documents or consent; and
- (b) the applicant does not provide the information, documents or consent within 120 days of the authority’s request.
- (6) Subject to regulation 121B, the fee for an application is not refundable if the applicant withdraws, or is taken to have withdrawn, the application.

48 Subregulations 121A(4) to (6)

Repeal the subregulations.

49 Subregulation 121B(1)

After “permit”, insert “other than for a special circumstances exemption”.

50 Regulation 122A (heading)

Before “permit”, insert “RAC industry”.

51 Regulation 123 (heading)

Repeal the heading, substitute:

123 Minister may cancel or suspend RAC industry permits

52 Paragraphs 124(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) to a relevant authority for reconsideration of any of the following decisions of the authority:
 - (i) a refusal of an application for an RAC industry permit;
 - (ii) a decision about the period for which an RAC industry permit is in force;
 - (iii) a decision imposing or varying a condition on an RAC industry permit;
 - (iv) a decision not to vary a special circumstances exemption;
 - (v) a refusal to refund the whole or part of a fee paid by a person for an RAC industry permit; or
- (b) to the Minister for reconsideration of a decision of the Minister:
 - (i) to suspend or cancel an RAC industry permit; or
 - (ii) that a thing that contributes to the grounds for a suspension of a RAC industry permit is not remedied.

53 Regulation 150 (note at the end)

Repeal the note.

54 At the end of Division 6A.2

Add:

Subdivision 6A.2.5—Special circumstances exemptions

151 Application for special circumstances exemption

- (1) A relevant authority may, on application, grant a written exemption (a *special circumstances exemption*), entitling the person to the privileges of the holder of one or more of the following:
 - (a) a refrigerant handling licence;
 - (b) a refrigerant trading authorisation;
 - (c) an RAC equipment manufacturing authorisation;
 - (d) a halon special permit;as specified in the exemption.

Note: Regulation 121 also applies to an application.
- (2) The authority may grant the exemption only if the authority is satisfied that:
 - (a) either:
 - (i) special circumstances exist that justify the grant of the exemption; or

- (ii) the activities proposed to be covered by the exemption are to be undertaken by the Australian Defence Force or a military of a foreign country acting in cooperation with the Australian Defence Force; and
 - (b) it is inappropriate or impracticable for the applicant to obtain the required licences, authorisations or permits related to the activities to which the application relates; and
 - (c) if the application relates to an exemption from holding a refrigerant trading authorisation or an RAC equipment manufacturing authorisation—the applicant has business premises that are equipped and operating so as to be able to handle, and prevent avoidable emissions of, a refrigerant; and
 - (d) if the applicant is an individual—the individual has suitable qualifications or experience to competently carry out the activities to be covered by the exemption; and
 - (e) if the applicant is a person other than an individual—the person has:
 - (i) suitably qualified or experienced employees or contractors to competently carry out the activities to be covered by the exemption; and
 - (ii) suitable equipment to carry out the activities to be covered by the exemption.
- (3) If the authority decides to grant the exemption, the exemption must:
- (a) be in writing; and
 - (b) specify the following:
 - (i) the activities that are covered by the exemption;
 - (ii) the licences, authorisations or permits in relation to which the exemption is being granted;
 - (iii) the period for which the exemption is in force;
 - (iv) if any conditions are imposed on the exemption under regulation 152—the conditions;
 - (v) if the exemption is granted to a person other than an individual—the relevant qualifications or experience that an employee or contractor of the person must have to carry out the activities covered by the exemption.
- Note: Regulation 122A deals with the maximum period that a special circumstances exemption can be in force.
- (4) If the authority decides to grant the exemption, it must, as soon as practicable, give the applicant a copy of the exemption.

152 Conditions on special circumstances exemption

- (1) The relevant authority may impose any conditions it considers reasonably necessary to manage the risks posed by the activities covered by a special circumstances exemption.
- (2) If a special circumstances exemption is granted to a person other than an individual, the exemption must include the condition that only a person with relevant qualifications or experience specified in the exemption is to carry out the activities to which the exemption applies.

153 Application by holder to vary special circumstances exemption

- (1) A special circumstances exemption holder may apply to a relevant authority to vary the exemption.
 - (2) The application for the variation must:
 - (a) be made in the approved form; and
 - (b) be accompanied by any information or documents required by the form; and
 - (c) be accompanied by the prescribed fee (if any).
- Note: Application fees for Part 6A are set out in Division 6A.4A.
- (3) The authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.
 - (4) An applicant is taken to have withdrawn the application if:
 - (a) the authority asks the applicant for information or documents in accordance with subregulation (3); and
 - (b) the applicant does not provide the information or documents within 60 days of the authority's request.
 - (5) If the authority decides to grant the application, it must, as soon as practicable, give the applicant a copy of the varied special circumstances exemption.

154 Relevant authority may impose additional conditions or vary or remove existing conditions

Imposition of additional conditions

- (1) A relevant authority may, at any time, impose additional conditions to which a special circumstances exemption is subject if the authority considers the conditions to be reasonably necessary to manage the risks posed by the activities covered by the exemption.
- (2) If the authority imposes conditions under subregulation (1):
 - (a) the authority must, by written notice to the holder of the exemption, notify the holder of the conditions; and
 - (b) the conditions take effect:
 - (i) at the end of 60 days after the giving of the notice; or
 - (ii) if the authority considers that it is necessary for the conditions to take effect earlier—at the end of a shorter period specified in the notice.

Varying or removing conditions

- (3) A relevant authority may, by written notice to the holder of a special circumstances exemption, vary or remove conditions imposed under subregulation 152(1) or subregulation (1) of this regulation in relation to the exemption.
- (4) A variation under subregulation (3) takes effect:
 - (a) at the end of 60 days after the giving of the notice under that subregulation; or

- (b) if the authority considers that it is necessary for the variation to take effect earlier—at the end of a shorter period specified in the notice given under that subregulation.

155 Contravening conditions of special circumstances exemption

- (1) A person commits an offence if:
 - (a) the person is the holder of a special circumstances exemption granted under regulation 151; and
 - (b) the exemption is subject to a condition to be complied with by the person; and
 - (c) the person does an act or omits to perform an act; and
 - (d) the act or omission contravenes the condition.

Penalty: 10 penalty units.

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

Note: Regulation numbers 156 to 199 (inclusive) are reserved for future use.

55 Regulation 301 (definition of *Fire Board*)

Omit “311(1)(a)”, substitute “307A(1)(a)”.

56 Subregulation 302(1)

Repeal the subregulation, substitute:

- (1) A person commits an offence if the person handles an extinguishing agent that is, or has been, for use in fire protection equipment and the person is not:
 - (a) the holder of an extinguishing agent handling licence; or
 - (b) both:
 - (i) the holder of a special circumstances exemption; and
 - (ii) entitled under the exemption to handle the extinguishing agent; or
 - (c) both:
 - (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to handle the extinguishing agent; and
 - (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

Penalty: 10 penalty units.

57 Paragraph 303(2)(c)

Repeal the paragraph, substitute:

- (c) both:
 - (i) the holder of a special circumstances exemption; and
 - (ii) entitled under the exemption to acquire, possess or dispose of bulk extinguishing agent; or
- (ca) both:
 - (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to acquire, possess or dispose of bulk extinguishing agent; and

- (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

58 At the end of subregulation 303(3)

Add:

- ; or (d) the holder of a special circumstances exemption that entitles the holder to acquire, possess or dispose of bulk extinguishing agent.

59 Paragraph 304(1)(c)

Repeal the paragraph, substitute:

- (c) the person is:
 - (i) the holder of a special circumstances exemption; and
 - (ii) entitled under the exemption to possess halon; or
- (ca) the person is:
 - (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to possess halon; and
 - (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

60 At the end of subregulation 304(2)

Add:

- ; or (iv) the holder of a special circumstances exemption that entitles the holder to possess halon.

61 After subregulation 304A(2)

Insert:

- (2A) Subregulation (1) does not apply to a person if:
 - (a) at the time of making the representation, the person is an employee or contractor of the holder of a special circumstances exemption; and
 - (b) the representation made by the person is for an activity covered by the exemption.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1B)—see subsection 13.3(3) of the *Criminal Code*.

62 Subparagraph 316(1)(a)(iii)

After “imposing”, insert “or varying”.

63 After subparagraph 316(1)(a)(iii)

Insert:

- (iiia) a decision not to vary a special circumstances exemption;

64 Subregulation 342(1)

After “holder of”, insert “one or more of the following”.

65 Paragraphs 342(1)(a) and (b)

Omit “or”.

66 Subregulations 342(3) to (6)

Repeal the subregulations, substitute:

- (3) The authority may grant the exemption only if the authority is satisfied that:
- (a) either:
 - (i) special circumstances exist that justify the grant of the exemption; or
 - (ii) the activities proposed to be covered by the exemption are to be undertaken by the Australian Defence Force or a military of a foreign country acting in cooperation with the Australian Defence Force; and
 - (b) it is inappropriate or impracticable for the applicant to obtain the required licences, authorisations or permits related to the activities to which the application relates; and
 - (c) if the applicant is an individual—the individual has suitable qualifications or experience to competently carry out the activities to be covered by the exemption; and
 - (d) if the applicant is a person other than an individual—the person has:
 - (i) suitably qualified or experienced employees or contractors to competently carry out the activities to be covered by the exemption; and
 - (ii) suitable equipment to carry out the activities to be covered by the exemption.
- (4) If the authority decides to grant the exemption, the exemption must:
- (a) be in writing; and
 - (b) specify the following:
 - (i) the activities that are covered by the exemption;
 - (ii) the licences, authorisations or permits in relation to which the exemption is being granted;
 - (iii) the period for which the exemption is in force;
 - (iv) if any conditions are imposed on the exemption under regulation 342A—the conditions;
 - (v) if the exemption is granted to a person other than an individual—the relevant qualifications or experience that an employee or contractor of the person must have to carry out the activities covered by the exemption.
- Note: Regulation 314A deals with the maximum period that a special circumstances exemption can be in force.
- (5) If the authority decides to grant the exemption, it must, as soon as practicable, give the applicant a copy of the exemption.

67 At the end of Subdivision 6A.4.6

Add:

342A Conditions on special circumstances exemption

- (1) The relevant authority may impose any conditions it considers reasonably necessary to manage the risks posed by the activities covered by a special circumstances exemption.

- (2) If a special circumstances exemption is granted to a person other than an individual, the exemption must include the condition that only a person with relevant qualifications or experience specified in the exemption is to carry out the activities to which the exemption applies.

342B Application by holder to vary special circumstances exemption

- (1) A special circumstances exemption holder may apply to a relevant authority to vary the exemption.
- (2) The application for the variation must:
 - (a) be made in the approved form; and
 - (b) be accompanied by any information or documents required by the form; and
 - (c) be accompanied by the prescribed fee (if any).

Note: Application fees for Part 6A are set out in Division 6A.4A.

- (3) The relevant authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.
- (4) An applicant is taken to have withdrawn the application if:
 - (a) the relevant authority asks the applicant for information or documents in accordance with subregulation (3); and
 - (b) the applicant does not provide the information or documents within 60 days of the authority's request.
- (5) If the authority decides to grant the application, it must, as soon as practicable, give the applicant a copy of the varied special circumstances exemption.

342C Relevant authority may impose additional conditions or vary or remove existing conditions

Imposition of additional conditions

- (1) A relevant authority may, at any time, impose additional conditions to which a special circumstances exemption is subject if the authority considers the conditions to be reasonably necessary to manage the risks posed by the activities covered by the exemption.
- (2) If the authority imposes conditions under subregulation (1):
 - (a) the authority must, by written notice to the holder of the exemption, notify the holder of the conditions; and
 - (b) the conditions take effect:
 - (i) at the end of 60 days after the giving of the notice; or
 - (ii) if the authority considers that it is necessary for the conditions to take effect earlier—at the end of a shorter period specified in the notice.

Varying or removing conditions

- (3) A relevant authority may, by written notice to the holder of a special circumstances exemption, vary or remove conditions imposed under subregulation 342A(1) or subregulation (1) of this regulation in relation to the exemption.

- (4) A variation under subregulation (3) takes effect:
 - (a) at the end of 60 days after the giving of the notice under that subregulation;
or
 - (b) if the authority considers that it is necessary for the variation to take effect earlier—at the end of a shorter period specified in the notice given under that subregulation.

342D Contravening conditions of special circumstances exemption

- (1) A person commits an offence if:
 - (a) the person is the holder of a special circumstances exemption granted under regulation 342; and
 - (b) the exemption is subject to a condition to be complied with by the person;
and
 - (c) the person does an act or omits to perform an act; and
 - (d) the act or omission contravenes the condition.

Penalty: 10 penalty units.

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

Part 3—Application and transitional provisions

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

68 In the appropriate position in Part 10

Insert:

Division 8—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022

974 Definitions for this Division

In this Division:

amending regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022*.

commencement time means the commencement of this Division.

old regulations means these Regulations as in force immediately before the commencement time.

975 Reserve HFC quota amendments

The amendments made by Part 1 of Schedule 1 to the amending regulations apply in relation to a calendar year commencing on or after 1 January 2023.

976 Applications for an RAC Industry permit

- (1) This section applies if:
 - (a) before the commencement time, a person made an application for an RAC industry permit under Subdivision 6A.2.1A; and
 - (b) immediately before that time, the relevant authority has not made a decision on the application.
- (2) Both of the following apply in relation to the application:
 - (a) the application is taken, immediately after the commencement time, to be an application made under Subdivision 6A.2.1A as amended by Part 2 of Schedule 1 to the amending regulations;
 - (b) after that time, the application may be dealt with, or may continue to be dealt with, under that Subdivision as so amended.

977 Applications for a special circumstances exemption

- (1) This section applies if:
 - (a) before the commencement time, a person made an application for a special circumstances exemption under Subdivision 6A.4.6; and

- (b) immediately before that time, the relevant authority has not made a decision on the application.
- (2) Both of the following apply in relation to the application:
 - (a) the application is taken, immediately after the commencement time, to be an application made under Subdivision 6A.4.6 as amended by Part 2 of Schedule 1 to the amending regulations;
 - (b) after that time, the application may be dealt with, or may continue to be dealt with, under that Subdivision as so amended.

978 Existing special circumstances exemptions

Despite the amendments made by Part 2 of the amending regulations, the old regulations continue to apply in relation to a special circumstances exemption granted under regulation 342 before the commencement time as if the amendments had not happened.