



# **Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023**

---

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 8 June 2023

David Hurley  
Governor-General

By His Excellency's Command

Tanya Plibersek  
Minister for the Environment and Water

---



---

# Contents

|                              |  |          |
|------------------------------|--|----------|
| 1                            | Name.....  | 1        |
| 2                            | Commencement .....                                   | 1        |
| 3                            | Authority.....                                       | 1        |
| 4                            | Schedules.....                                       | 1        |
| <b>Schedule 1—Amendments</b> |  | <b>2</b> |
|                              | <i>Customs (Prohibited Exports) Regulations 1958</i> | 2        |
|                              | <i>Customs (Prohibited Imports) Regulations 1956</i> | 3        |



---

## 1 Name

This instrument is the *Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023*.

## 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 | At the same time as Schedule 1 to the <i>Ozone Protection and Synthetic Greenhouse Gas Management Reform (Closing the Hole in the Ozone Layer) Act 2022</i> commences. | 13 June 2023 |

Note: This table relates only to the provisions of this instrument as originally made.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 *Customs Act 1901*.

## 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

### *Customs (Prohibited Exports) Regulations 1958*

#### 1 Subregulation 2(1)

Repeal the following definitions:

- (a) definition of *CFC*;
- (b) definition of *HBFC*;
- (c) definition of *HCFC*;
- (d) definition of *HFC*;
- (e) definition of *nitrogen trifluoride*;
- (f) definition of *PFC*;
- (g) definition of *SGG*;
- (h) definition of *sulfur hexafluoride*.

#### 2 Regulation 13F

Repeal the regulation, substitute:

#### 13F Exportation of ozone depleting substances and synthetic greenhouse gases

##### *Prohibition*

- (1) The exportation from Australia (except to an external Territory) of the following is prohibited unless subregulation (2) applies:
  - (a) a scheduled substance (within the meaning of the OPSGGM Act);
  - (b) equipment that contains such a substance, if the equipment or the substance (or both) is prescribed by regulations made for the purposes of paragraph 13AB(3)(d) of the OPSGGM Act;
  - (c) equipment that uses such a substance in its operation, if the equipment or the substance (or both) is prescribed by regulations made for the purposes of paragraph 13AB(5)(d) of that Act.

##### *Exception*

- (2) This subregulation applies if:
  - (a) none of subsections 13AB(1), (3) and (5) of the OPSGGM Act are contravened in relation to the exportation; and
  - (b) if the exportation is allowed by a licence granted under section 16 of that Act—the licence, or a copy of the licence, is produced to a Collector.

Note 1: A suspended licence does not allow the licensee to carry out any activity that the licence would otherwise allow: see subsection 19D(4) of the OPSGGM Act.

Note 2: A number of provisions of the OPSGGM Act affect whether a person contravenes subsection 13AB(1), (3) or (5) of that Act. See (for example):

- (a) section 12B of that Act (exportation of CFCs, halons, HCFCs, HFCs and PFCs for use on board ships or aircraft); and
- (b) for the exportation of a substance—subsection 13AB(2) of that Act; and
- (c) for the exportation of equipment containing a substance—subsection 13AB(4) of that Act; and

- 
- (d) for the exportation of equipment that uses a substance in its operation—  
subsection 13AB(6) of that Act.

*References to substances and equipment*

- (3) Section 9 of the OPSGGM Act (references to scheduled substances and equipment) applies in relation to this regulation as if this regulation were a provision of that Act.

*Definition*

- (4) In this regulation:

**equipment** has the same meaning as in the OPSGGM Act.

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

### **3 Schedule 15**

Repeal the Schedule.

## ***Customs (Prohibited Imports) Regulations 1956***

### **4 Subregulation 2(1)**

Repeal the following definitions:

- (a) definition of **CFC**;
- (b) definition of **HCFC**;
- (c) definition of **HFC**;
- (d) definition of **nitrogen trifluoride**;
- (e) definition of **PFC**;
- (f) definition of **SGG**;
- (g) definition of **sulfur hexafluoride**.

### **5 Regulation 5K**

Repeal the regulation, substitute:

## **5K Importation of ozone depleting substances and synthetic greenhouse gases**

*Prohibition*

- (1) The importation into Australia (except from an external Territory) of the following is prohibited unless subregulation (2) applies:
- (a) a scheduled substance (within the meaning of the OPSGGM Act);
  - (b) equipment that contains such a substance;
  - (c) equipment that uses such a substance in its operation, if the equipment or the substance (or both) is prescribed by regulations made for the purposes of paragraph 13AA(5)(d) of the OPSGGM Act.

*Exception*

- (2) This subregulation applies if:

- (a) none of subsections 13AA(1), (3) and (5) of the OPSGGM Act are contravened in relation to the importation; and
- (b) if the importation is allowed by a licence granted under section 16 of that Act:
  - (i) the licence, or a copy of the licence, is produced to a Collector; and
  - (ii) in the case of a substance imported in a non-refillable container—the conditions (if any) prescribed by regulations made for the purposes of item 7 of the table in subsection 18(1) of that Act in relation to the container and the import are satisfied.

Note 1: A suspended licence does not allow the licensee to carry out any activity that the licence would otherwise allow: see subsection 19D(4) of the OPSGGM Act.

Note 2: A number of provisions of the OPSGGM Act affect whether a person contravenes subsection 13AA(1), (3) or (5) of that Act. See (for example):

- (a) section 12B of that Act (importation of CFCs, halons, HCFCs, HFCs and PFCs for use on board ships or aircraft); and
- (b) for the importation of a substance—subsection 13AA(2) of that Act; and
- (c) for the importation of equipment containing a substance—subsections 13AA(4), (6), (7), (8) and (9) of that Act; and
- (d) for the importation of equipment that uses a substance in its operation—subsections 13AA(6), (7), (8) and (9) of that Act.

*References to substances and equipment*

- (3) Section 9 of the OPSGGM Act (references to scheduled substances and equipment) applies in relation to this regulation as if this regulation were a provision of that Act.

*Definition*

- (4) In this regulation:

**equipment** has the same meaning as in the OPSGGM Act.

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

## 6 Schedule 3 (table item 3)

Repeal the item.

## 7 Schedule 10

Repeal the Schedule.