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Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota— 2024‑2025) Determination 2023

I, TANYA PLIBERSEK, Minister for the Environment and Water, make the following determination

Dated  23 May 2023

TANYA PLIBERSEK

Minister for the Environment and Water

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# Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota—2024-2025) Determination 2023*.

# 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Note: This table relates only to the provisions of this instrument as originally made.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.

* 1. 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.

# Authority

This instrument is made under subregulation 51(4) of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

# Simplified outline of this instrument

This instrument specifies who is entitled to non-grandfathered quota for the fourth HFC quota allocation period (2024 and 2025) and the amount of the non-grandfathered quota to be allocated as follows:

1. each eligible applicant is entitled to non-grandfathered quota; and
2. the Department of Climate Change, Energy, the Environment and Water, on behalf of the Commonwealth, is entitled to 130 CO2etonnes; and
3. the remaining non-grandfathered HFC industry limit is divided evenly between the eligible applicants.

# Definitions

In this instrument:

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

***CO2e*** means carbon dioxide equivalent.

***CO2e tonne*** means 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 2024-2025 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)

*÷*

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

***non-grandfathered HFC industry limit*** means 0.2625 CO2e megatonnes.

Note: The non-grandfathered HFC industry limit is the non-grandfathered percentage (5%) of the HFC industry limit (5.25 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:

1. CO2e megatonnes; and
2. HFC quota.

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

1. non-grandfathered quota; and
2. HFC quota allocation period.

# 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 2024 and 2025 if:

1. the person is an eligible applicant and that person makes an application for non-grandfathered quota; or
2. the person is the Commonwealth, as represented by the Department of Climate Change, Energy, the Environment and Water.

# 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 2024 and 2023 is:

1. for an eligible applicant – the eligible applicant entitlement amount; or
2. for the Commonwealth, as represented by the Department of Climate Change, Energy, the Environment and Water – 130 CO2e tonne