

Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) 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 25 May 2023

David Hurley

Governor‑General

By His Excellency’s Command

Tanya Plibersek

Minister for the Environment and Water

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Part 1—Preliminary

1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) 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 | The later of:  (a) the start of the day after this instrument is registered; and  (b) immediately after the commencement of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Act 2022*. | 14 June 2023 (paragraph (a) applies) |

Note: This table relates only to the provisions of this instrument as originally made.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 (Manufacture Levy) Act 1995*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note 1: An expression used in the Act has the same meaning in the Act as it has in the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*: see section 3 of the Act.

Note 2: A number of expressions used in this instrument are defined in the Act or the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, including the following:

(a) HCFC;

(b) ODP tonnes;

(c) reporting period;

(d) SGG.

In this instrument:

***Act*** means the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Act 1995*.

Part 2—Amount of manufacture levy

6 Amount of manufacture levy—SGGs

For the purposes of the definition of ***prescribed rate*** in subsection 3A(5) of the Act, the amount prescribed is $165.

7 Amount of manufacture levy—substances other than SGGs

For the purposes of subsection 4(4) of the Act, the amount of levy is:

(a) for the manufacture of an HCFC—$3,000 per ODP tonne; and

(b) for the manufacture of methyl bromide—$135 per tonne.

Part 3—Application and transitional provisions

8 Application of this instrument as originally made

(1) This instrument as originally made applies in relation to reporting periods that start on or after the commencement time.

(2) The *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Regulations 2004*, as in force immediately before the repeal of that instrument, continue to apply in relation to reporting periods starting before the commencement time, as if that repeal had not happened.

(3) In this section:

***commencement time*** means the commencement of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Act 2022*.

Schedule 1—Repeals

Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Regulations 2004

1 The whole of the instrument

Repeal the instrument.