



Ozone Protection and Synthetic Greenhouse Gas (Import 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 (Import 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 <i>Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Act 2022</i> .	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Note: This table relates only to the provisions of this instrument as originally made.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 (Import 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

Section 5

- (a) HCFC;
- (b) ODP tonnes;
- (c) reporting period;
- (d) SGG;
- (e) SGG equipment.

In this instrument:

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

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

Part 2—Exemption from import levy

6 Conditions for exemption from import levy for SGGs—SGGs imported for destruction

- (1) For the purposes of paragraph 3A(4)(b) of the Act, the following condition is specified, namely, that the licensee must give the Secretary evidence of the following in a form approved by the Secretary:
 - (a) that an agreement for the destruction of the SGG, within 90 days after the import, has been entered into;
 - (b) that the destruction of the SGG has taken place, or will take place, at:
 - (i) a refrigerant destruction facility that a person is approved to operate under regulation 114 of the Management Regulations; or
 - (ii) an extinguishing agent destruction facility that a person is approved to operate under regulation 306 of the Management Regulations;
 - (c) that the SGG was destroyed within 90 days after the import.
- (2) The evidence must be given to the Secretary:
 - (a) for the purposes of paragraph (1)(a)—before the SGG is imported; and
 - (b) for the purposes of paragraph (1)(c)—within 30 days after the destruction.

7 Exemption from import levy for SGG equipment—metered dose inhalers

For the purposes of subsection 4A(2) of the Act, a metered dose inhaler that is used for medical purposes is prescribed.

Part 3—Amount of import levy

8 Amount of import levy—SGGs

For the purposes of the definition of *prescribed rate* in subsection 3A(7) of the Act, the amount prescribed is \$165.

9 Amount of import levy—substances other than SGGs

For the purposes of subsection 4(5) of the Act, the amount of levy is:

- (a) for the import of an HCFC—\$3,000 per ODP tonne; and
- (b) for the import of methyl bromide—\$135 per tonne.

10 Amount of import levy—SGG equipment

For the purposes of the definition of *prescribed rate* in subsection 4A(5) of the Act, the amount prescribed is \$165.

Part 4—Application and transitional provisions

11 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 (Import 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 (Import Levy) Amendment Act 2022*.

Schedule 1—Repeals

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

1 The whole of the instrument

Repeal the instrument.