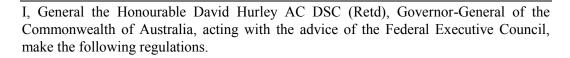


Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2023



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.

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this	The later of:	14 June 2023
instrument	(a) the start of the day after this instrument is registered; and	(paragraph (a) applies)
	(b) immediately after the commencement of Schedule 1 to the Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Act 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Note: This table relates only to the provisions of this instrument as originally made.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 (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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.