



Ozone Protection (Licence Fees—Imports) Amendment Act 2003

No. 124, 2003

An Act to amend the *Ozone Protection (Licence Fees—Imports) Act 1995*, and for related purposes

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

Contents

| | | |
|---|--------------------|---|
| 1 | Short title | 1 |
| 2 | Commencement | 2 |
| 3 | Schedule(s) | 2 |
| Schedule 1—Amendments | | 3 |
| <i>Ozone Protection (Licence Fees—Imports) Act 1995</i> | | 3 |



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An Act to amend the *Ozone Protection (Licence Fees—Imports) Act 1995*, and for related purposes

[Assented to 5 December 2003]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Ozone Protection (Licence Fees—Imports) Amendment Act 2003*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Ozone Protection (Licence Fees—Imports) Act 1995

1 Title

Repeal the title, substitute:

An Act to impose a levy on the import of HCFCs, methyl bromide and SGGs under licences granted under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*

2 Section 1

Omit “(*Licence Fees—Imports*)”, substitute “*and Synthetic Greenhouse Gas (Import Levy)*”.

3 Section 3

After “*Ozone Protection*”, insert “*and Synthetic Greenhouse Gas Management*”.

4 Section 4

Repeal the section, substitute:

4 Import levy

(1) If:

- (a) a controlled substances licence allows the licensee to import a substance or substances; and
- (b) the licensee imports any such substance during a quarter during which the licence is in force;

then levy is imposed on the licensee in respect of that import at the rate prescribed by the regulations.

- (2) Subsection (1) does not apply to the import of an SGG in circumstances that are prescribed for the purposes of subsection 13(1A) of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

- (3) If the licensee of a pre-charged equipment licence imports any pre-charged equipment during a quarter during which the licence is in force, then levy is imposed on the licensee in respect of that import at the rate prescribed by the regulations in respect of the scheduled substance contained in the pre-charged equipment.
- (4) For the purposes of this section, if a licence is in force for only part of a particular quarter, that part is taken to be a quarter.
- (5) The rate of levy prescribed by the regulations cannot exceed:
 - (a) for HCFCs—\$3,000 per ODP tonne; and
 - (b) for SGGs—\$165 per tonne; and
 - (c) for methyl bromide—\$135 per tonne.

Note: For the purposes of paragraph (a), the method of calculating ODP tonnes is set out in section 10 of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

5 Section 5

Omit “fixing a rate for the purposes of subsection 4(1)”, substitute “for the purposes of section 4”.

*[Minister’s second reading speech made in—
House of Representatives on 5 June 2003
Senate on 24 November 2003]*

(83/03)
