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2004B00325

# Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 1)<sup>1</sup>

Statutory Rules 2004 No.  $\chi^2$

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

Dated 31 AUG 2004 2004

PM Jeffery  
Governor-General

By His Excellency's Command

IAN CAMPBELL  
Minister for the Environment and Heritage

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**1 Name of Regulations**

These Regulations are the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004* (No. /).

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**2 Commencement**

These Regulations commence on the date of their notification in the *Gazette*.

**3 Amendment of *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

Schedule 1 amends the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Before regulation 1**

*insert*

**Part 1 Preliminary**

*Note* The numbers of the Parts in these Regulations correspond to those in the Act.

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*Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004* (No. /)

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**[2] After regulation 2**

*insert*

**Part 3 Licences**

*Note 1* The numbers of the Parts in these Regulations correspond to those in the Act.

*Note 2* Part 2 is intentionally not used.

**[3] Regulation 4**

*omit*

**[4] After regulation 6A**

*insert*

**Part 5 Manufacture of products  
using scheduled substances**

*Note 1* The numbers of the Parts in these Regulations correspond to those in the Act.

*Note 2* Part 4 is intentionally not used and regulation numbers 7 to 79 (inclusive) are reserved for future use.

**80 Application fee for exemption (Act s 40)**

For paragraph 40 (2) (b) of the Act, the fee is \$3 000.

**Part 6A Disposal and use of  
scheduled substances**

*Note 1* The numbers of the Parts in these Regulations correspond to those in the Act.

*Note 2* Part 6 is intentionally not used and regulation numbers 81 to 899 (inclusive) are reserved for future use.

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## Part 7 Reports and records

*Note* The numbers of the Parts in these Regulations correspond to those in the Act.

### 900 Import or export of SGGs (Act s 46)

(1) In this regulation:

*exotic SGG* means a substance mentioned in column 2 of an item in table 900-2.

*secondary SGG* means an SGG mentioned in column 2 of an item in table 900-1.

(2) A report given by a person to the Minister for subsection 46 (1B) of the Act must be prepared in accordance with this regulation.

*Note* Subsection 46 (1B) of the Act provides that a person who imports or exports an SGG in a quarter must give a report to the Minister within 15 days of the end of the quarter.

(3) The person must keep a copy of the report for 7 years from the date the report is submitted to the Minister.

(4) The report must state the following:

- (a) the name and address of the person;
- (b) the combination of numbers, letters and symbols used to provide a unique identifier for the licence granted to the person under section 16 of the Act;
- (c) the quarter to which the report relates;
- (d) the amount (if any) of HFC-134a imported by the person and the amount (if any) exported during the quarter, expressed in CO<sub>2</sub> equivalent tonnes;
- (e) if the person imported or exported any secondary SGGs during the quarter:
  - (i) each kind of secondary SGG imported and each kind exported; and
  - (ii) the total amount of secondary SGGs imported and the total amount exported during the quarter, expressed in CO<sub>2</sub> equivalent tonnes;

- (f) if the person imported or exported any exotic SGGs during the quarter:
- (i) the amount of exotic SGGs imported and the amount exported during the quarter expressed in CO<sub>2</sub> equivalent tonnes; and
  - (ii) whether any exotic SGG mentioned in items 9 to 15 of table 900-2 was imported or exported.

*Note* The SGGs mentioned in items 9 to 15 of table 900-2 are PFCs.

- (5) For paragraphs (4) (d) and (e), and subparagraph (4) (f) (i), the **CO<sub>2</sub> equivalent tonnes** of an amount of an SGG is the weight in tonnes of the SGG multiplied by:
- (a) for HFC-134a — 1 300; or
  - (b) for a secondary SGG — the factor mentioned in column 3 of the item in table 900-1 in which the SGG appears in column 2; or
  - (c) for an exotic SGG — the factor mentioned in column 3 of the item in table 900-2 in which the SGG appears in column 2.

**Table 900-1 Secondary SGGs**

Item	SGG	CO <sub>2</sub> equivalent
1	HFC-23	11 700
2	HFC-32	650
3	HFC-43-10mee	1 300
4	HFC-125	2 800
5	HFC-143a	3 800
6	HFC-152a	140
7	HFC-227ca	2 900
8	HFC-236fa	6 300
9	HFC-245fa	950
10	HFC-365mfc	1 300

**Table 900-2 Exotic SGGs**

Item	SGG	CO <sub>2</sub> equivalent
1	HFC-41	150
2	HFC-134	1 000
3	HFC-143	300
4	HFC-152	140
5	HFC-161	12
6	HFC-236cb	1 300
7	HFC-236ea	1 200
8	HFC-245ca	560
9	CF <sub>4</sub>	6 500
10	C <sub>2</sub> F <sub>6</sub>	9 200
11	C <sub>3</sub> F <sub>8</sub>	7 000
12	C <sub>4</sub> F <sub>10</sub>	7 000
13	c-C <sub>4</sub> F <sub>8</sub>	8 700
14	C <sub>5</sub> F <sub>12</sub>	7 500
15	C <sub>6</sub> F <sub>14</sub>	7 400

**901 Importation of pre-charged equipment (Act s 46)**

- (1) In this regulation:

*category of pre-charged equipment* means a category of pre-charged equipment mentioned in column 2 of an item in table 901.

- (2) A report given by a person to the Minister for subsection 46 (1C) of the Act must be in accordance with this regulation.

*Note* Subsection 46 (1C) of the Act provides that a person who imports certain pre-charged equipment in a quarter must give a report to the Minister within 15 days of the end of the quarter.

- (3) The person must keep a copy of the report for 7 years from the date the report is submitted to the Minister.

- (4) The report must state the following:
- (a) the name and address of the person;
  - (b) the combination of numbers, letters and symbols used to provide a unique identifier for the licence granted to the person under section 16 of the Act;
  - (c) the quarter to which the report relates;
  - (d) the number of units in each category of pre-charged equipment that the person imported during the quarter;
  - (e) if any of the equipment contained HFC — the total amount of the HFC that the person imported during the quarter;
  - (f) if any of the equipment contained HCFC — the total amount of the HCFC that the person imported during the quarter;
  - (g) for each category of pre-charged equipment imported by the person during the quarter — the total amount of each kind of HFC and the total amount of each kind of HCFC contained in the category.

**Table 901 Categories of pre-charged equipment**

<b>Item</b>	<b>Category</b>
1	Commercial portable refrigerators
2	Commercial refrigerated cabinets
3	Other commercial refrigeration equipment
4	Domestic refrigerators and freezers
5	Vehicle powered truck refrigerator
6	Self-powered truck or trailer refrigerator
7	Refrigerated portable air conditioning
8	Single head split system air conditioning
9	Multi head/variable reverse flow (vrf) split system air conditioning
10	Packaged window air conditioning
11	Packaged water cooled air conditioning
12	Packaged air cooled air conditioning

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<b>Item</b>	<b>Category</b>
13	High pressure chillers
14	Low pressure chillers
15	Cabin air conditioning for a motor vehicle of 3.5 tonnes gross vehicle mass or less
16	Cabin air conditioning for a motor vehicle of more than 3.5 tonnes gross vehicle mass

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**Notes**

1. These Regulations amend Statutory Rules 1995 No. 389, as amended by 1999 No. 73; 2002 No. 8; 2003 No. 279; 2004 No. 16.
2. Notified in the *Commonwealth of Australia Gazette* on / 2004.

7 September