Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 1)\(^1\)

Statutory Rules 2004 No.\(^2\)

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
1 Name of Regulations
These Regulations are the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 1)*.

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.
[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.
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$_2$ 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$_2$ 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 CO₂ 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 CO₂ 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

<table>
<thead>
<tr>
<th>Item</th>
<th>SGG</th>
<th>CO₂ equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HFC-23</td>
<td>11 700</td>
</tr>
<tr>
<td>2</td>
<td>HFC-32</td>
<td>650</td>
</tr>
<tr>
<td>3</td>
<td>HFC-43-10mee</td>
<td>1 300</td>
</tr>
<tr>
<td>4</td>
<td>HFC-125</td>
<td>2 800</td>
</tr>
<tr>
<td>5</td>
<td>HFC-143a</td>
<td>3 800</td>
</tr>
<tr>
<td>6</td>
<td>HFC-152a</td>
<td>140</td>
</tr>
<tr>
<td>7</td>
<td>HFC-227ea</td>
<td>2 900</td>
</tr>
<tr>
<td>8</td>
<td>HFC-236fa</td>
<td>6 300</td>
</tr>
<tr>
<td>9</td>
<td>HFC-245fa</td>
<td>950</td>
</tr>
<tr>
<td>10</td>
<td>HFC-365mfc</td>
<td>1 300</td>
</tr>
</tbody>
</table>
Table 900-2 Exotic SGGs

<table>
<thead>
<tr>
<th>Item</th>
<th>SGG</th>
<th>CO₂ equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HFC-41</td>
<td>150</td>
</tr>
<tr>
<td>2</td>
<td>HFC-134</td>
<td>1 000</td>
</tr>
<tr>
<td>3</td>
<td>HFC-143</td>
<td>300</td>
</tr>
<tr>
<td>4</td>
<td>HFC-152</td>
<td>140</td>
</tr>
<tr>
<td>5</td>
<td>HFC-161</td>
<td>12</td>
</tr>
<tr>
<td>6</td>
<td>HFC-236cb</td>
<td>1 300</td>
</tr>
<tr>
<td>7</td>
<td>HFC-236ea</td>
<td>1 200</td>
</tr>
<tr>
<td>8</td>
<td>HFC-245ca</td>
<td>560</td>
</tr>
<tr>
<td>9</td>
<td>CF₄</td>
<td>6 500</td>
</tr>
<tr>
<td>10</td>
<td>C₂F₆</td>
<td>9 200</td>
</tr>
<tr>
<td>11</td>
<td>C₃F₈</td>
<td>7 000</td>
</tr>
<tr>
<td>12</td>
<td>C₄F₁₀</td>
<td>7 000</td>
</tr>
<tr>
<td>13</td>
<td>C₂F₁₀</td>
<td>8 700</td>
</tr>
<tr>
<td>14</td>
<td>C₅F₁₂</td>
<td>7 500</td>
</tr>
<tr>
<td>15</td>
<td>C₆F₁₄</td>
<td>7 400</td>
</tr>
</tbody>
</table>

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

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

2004, Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. )
<table>
<thead>
<tr>
<th>Item</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>High pressure chillers</td>
</tr>
<tr>
<td>14</td>
<td>Low pressure chillers</td>
</tr>
<tr>
<td>15</td>
<td>Cabin air conditioning for a motor vehicle of 3.5 tonnes gross vehicle mass or less</td>
</tr>
<tr>
<td>16</td>
<td>Cabin air conditioning for a motor vehicle of more than 3.5 tonnes gross vehicle mass</td>
</tr>
</tbody>
</table>

**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.