



Ozone Protection and Synthetic Greenhouse Gas Management Amendment (SGG for Manufacture) Regulation 2013

Select Legislative Instrument No. 147, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

Dated 28 June 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Amanda Rishworth
Parliamentary Secretary for Sustainability and Urban Water

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No. 147, 2013 *Ozone Protection and Synthetic Greenhouse Gas Management
Amendment (SGG for Manufacture) Regulation 2013* *i*

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1 Name of regulation

This regulation is the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (SGG for Manufacture) Regulation 2013*.

2 Commencement

This regulation commences on 1 July 2013.

3 Authority

This regulation is made under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

No. 147, 2013

*Ozone Protection and Synthetic Greenhouse Gas Management
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Schedule 1—Amendments

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

1 At the end of paragraph 3(1)(a)

Add:

- or (iii) that the manufacture or import of the quantity and kind of the SGG is allowed under regulation 3AA;

2 After regulation 3A

Insert:

3AA Manufacturing process that converts SGG

- (1) The Minister may, by a written notice (an **SGG notice**) given to a person, allow the person to import or manufacture a quantity and kind of SGG, without the person holding a controlled substance licence, if the Minister is satisfied:
 - (a) the SGG is to be used in the manufacture of a product; and
 - (b) the SGG will be, or is likely to be, destroyed:
 - (i) during the manufacturing process; or
 - (ii) immediately after the manufacturing process.
- (2) In deciding whether the Minister is satisfied, the Minister must have regard to:
 - (a) Australia's obligations under:
 - (i) the Framework Convention on Climate Change; and
 - (ii) the Kyoto Protocol; and
 - (b) the documents mentioned in subregulations (3) and (4); and
 - (c) any other matter that the Minister considers relevant.
- (3) If a person is importing or manufacturing the SGG for their own use, the person must give the Minister a statement from the person that:
 - (a) states the person intends to use the SGG in the manufacture of a product; and

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- (b) explains the process to be used to manufacture the product; and
 - (c) explains how the SGG will be destroyed:
 - (i) during the manufacturing process; or
 - (ii) immediately after the manufacturing process.
- (4) If a person is importing or manufacturing the SGG for supply to another person (a *manufacturer*), the person must give the Minister:
- (a) a purchase order or similar document for the SGG from the manufacturer; and
 - (b) a statement from the manufacturer that states the manufacturer intends to use the SGG in the manufacture of a product; and
 - (c) a statement from the manufacturer that explains the process to be used to manufacture the product; and
 - (d) a statement from the manufacturer that explains how the SGG will be destroyed:
 - (i) during the manufacturing process; or
 - (ii) immediately after the manufacturing process.
- Note: See section 62 of the Act in relation to the making of false statements.
- (5) An SGG notice is valid for the period, of up to 2 years, stated in the notice.
- (6) The Minister may, by written notice to the person to whom the SGG notice was given:
- (a) vary an SGG notice; or
 - (b) revoke an SGG notice if the Minister is no longer satisfied of the matters mentioned in paragraph (1)(a) or (b).
- (7) A written notice made under subregulation (6) takes effect on the day stated in the notice.
- (8) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister:
- (a) to refuse to make an SGG notice; or
 - (b) to vary or revoke an SGG notice.

- (9) A written notice made under this regulation is not a legislative instrument.

3 At the end of regulation 901

Add:

- (5) If a person has imported or manufactured SGG in accordance with regulation 3A or 3AA, the report may also state the quantity and kind of SGG that the person imported or manufactured during the quarter to which the report relates.