Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

Statutory Rules No. 389, 1995

made under the

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

Compilation No. 47

Compilation date: 1 July 2025

Includes amendments: F2024L00730

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version F2025C00642 registered 07/07/2025

About this compilation

This compilation

This is a compilation of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* that shows the text of the law as amended and in force on 1 July 2025 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

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

1 Name of regulations

These regulations are the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

2 Definitions

Note: A number of expressions used in these Regulations are defined in the Act, including 100-year global warming potential.

In these Regulations:

ABN (short for Australian Business Number) has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

Act means the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

base period for an HFC quota allocation period has the meaning given by regulation 46.

covers: an SGG licence ***covers*** a period if the licence is in force for the whole of the period.

Note: For when a licence is in force, see section 19 of the Act.

extinguishing agent has the meaning given by regulation 301.

fire protection equipment has the meaning given by regulation 301.

first HFC quota allocation period means the HFC quota allocation period mentioned in subregulation 41(2).

Note: The first HFC quota allocation period starts on 1 January 2018.

grandfathered percentage for an HFC quota allocation period has the meaning given by regulation 46.

grandfathered quota means an amount to which a person is entitled under regulation 48, 49 or 50 (as affected by Subdivision 4A.3.5).

GWP extinguishing agent has the meaning given by subregulation 2AAB(5).

Note: GWP is short for 100-year global warming potential.

GWP refrigerant has the meaning given by subregulation 2AAA(5).

HFC quota allocation period has the meaning given by regulation 41.

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licensed regulated HCFC activity means a regulated HCFC activity engaged in under a controlled substances licence.

licensed regulated HFC activity means a regulated HFC activity engaged in under an SGG licence.

maximum grandfathered quota has the meaning given by subregulation 58(4).

medical device has the meaning given by the *Therapeutic Goods Act 1989*.

medicine has the meaning given by the *Therapeutic Goods Act 1989*.

multi-head small SGG air conditioning equipment means SGG equipment that:

(a) is the outdoor unit of a multi-head split system air conditioning system (whether or not the air conditioning system is a variable refrigerant flow system); and

(b) contains, or uses in its operation, an HFC that has a global warming potential of more than 750; and

(c) is designed to be used primarily to cool or heat (or both) for human comfort a stationary space; and

(d) has, or will have when charged, a standard refrigerant charge of 2.6 kilogram or less.

non-grandfathered percentage for an HFC quota allocation period has the meaning given by regulation 46.

non-grandfathered quota means an amount to which a person is entitled under regulation 51.

prohibited extinguishing agent charging has the meaning given by subregulation 2AAB(3).

prohibited refrigerant charging has the meaning given by subregulation 2AAA(3).

quarter means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October.

replacement part does not include a complete, or substantially complete, indoor or outdoor unit of a split system air conditioning unit.

sampled, for a scheduled substance, has the meaning given by subregulation 400(3).

second HFC quota allocation period means the HFC quota allocation period starting on 1 January 2020.

small SGG air conditioning equipment means SGG equipment that:

(a) is any of the following:

(i) the outdoor unit of a single head split system air conditioning system;

(ii) a portable air conditioning system;

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(iii) an air conditioning system that consists of a single unit designed to be mounted on a wall or window; and

(b) contains, or uses in its operation, an HFC that has a global warming potential of more than 750; and

(c) is designed to be used primarily to cool or heat (or both) for human comfort a stationary space; and

(d) has, or will have when charged, a standard refrigerant charge of 2.6 kilogram or less; and

(e) is not multi-head small SGG air conditioning equipment.

veterinary device means an instrument, apparatus, material or other article (whether used alone or in combination, and including the software necessary for its proper application) that:

(a) is used for animals:

(i) to diagnose, prevent, monitor, treat or alleviate a disease, condition or infestation of the animal by a pest; or

(ii) to test susceptibility to a disease; or

(iii) to diagnose, monitor, treat, alleviate or compensate for an injury or disability; or

(iv) to investigate, replace or modify the anatomy or a physiological process; or

(v) to control conception; or

(vi) to test for pregnancy; and

(b) does not achieve its principal intended action in or on the animal by pharmacological, immunological or metabolic means, but that may be assisted in its function by those means.

veterinary medicine means a veterinary chemical product as defined in the *Agricultural and Veterinary Chemicals Code Act 1994*.

2AAA Meaning of *prohibited refrigerant charging*

Scope of this regulation

(1) This regulation applies in relation to equipment that is designed:

(a) to be used for the heating or cooling of anything; and

(b) to operate solely by using a particular refrigerant (the ***design refrigerant***) other than an HCFC refrigerant.

(2) For the purposes of paragraph (1)(b), equipment is taken to be designed to operate solely by using a particular refrigerant if:

(a) the equipment has a compliance plate that specifies that particular refrigerant; or

(b) both of the following subparagraphs apply:

(i) a manual, issued by the manufacturer, that relates to the equipment states that the equipment is designed to operate solely by using that particular refrigerant;

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(ii) the equipment does not have a compliance plate that specifies any particular refrigerant.

*Meaning of **prohibited refrigerant charging***

(3) A person engages in ***prohibited refrigerant charging*** if:

(a) the person charges the equipment with a GWP refrigerant (the ***new refrigerant***) other than the design refrigerant; and

(b) either:

(i) the design refrigerant is not a scheduled substance; or

(ii) the design refrigerant is a GWP refrigerant and the new refrigerant has a higher 100-year global warming potential than the design refrigerant; and

(c) subregulation (4) does not apply.

(4) This subregulation applies if:

(a) the continued functioning of the equipment is essential for health or public safety purposes; and

(b) no refrigerant that:

(i) is not a GWP refrigerant; or

(ii) is the design refrigerant; or

(iii) has a 100-year global warming potential equal to or lower than that of the design refrigerant;

is available as an alternative to the new refrigerant to ensure the continued functioning of the equipment.

*Meaning of **GWP refrigerant***

(5) A ***GWP refrigerant*** is an HCFC or HFC for which a 100-year global warming potential is specified in Part V or IX of Schedule 1 to the Act.

2AAB Meaning of *prohibited extinguishing agent charging*

Scope of this regulation

(1) This regulation applies in relation to fire protection equipment that is designed to operate solely by using a particular extinguishing agent (the ***design extinguishing agent***) other than an HCFC extinguishing agent.

(2) For the purposes of subregulation (1), equipment is taken to be designed to operate solely by using a particular extinguishing agent if documentation, issued by the manufacturer, that relates to the operation of the equipment states that the equipment is designed to operate solely by using that particular extinguishing agent.

*Meaning of **prohibited extinguishing agent charging***

(3) A person engages in ***prohibited extinguishing agent charging*** if:

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(a) the person charges the equipment with a GWP extinguishing agent (the ***new extinguishing agent***) other than the design extinguishing agent; and

(b) either:

(i) the design extinguishing agent is not a scheduled substance; or

(ii) the design extinguishing agent is a GWP extinguishing agent and the new extinguishing agent has a higher 100-year global warming potential than the design extinguishing agent; and

(c) subregulation (4) does not apply.

(4) This subregulation applies if:

(a) the continued functioning of the equipment is essential:

(i) for public safety purposes; or

(ii) to protect assets or infrastructure that are critical to the community; and

(b) no extinguishing agent that:

(i) is not a GWP extinguishing agent; or

(ii) is the design extinguishing agent; or

(iii) has a 100-year global warming potential equal to or lower than that of the design extinguishing agent;

is available as an alternative to the new extinguishing agent to ensure the continued functioning of the equipment.

*Meaning of **GWP extinguishing agent***

(5) A ***GWP extinguishing agent*** is an HCFC or HFC for which a 100-year global warming potential is specified in Part V or IX of Schedule 1 to the Act.

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Part 2—Terms used in the Act

2AA Heel allowance percentage

For the definition of ***heel allowance percentage*** in section 7 of the Act, 5% is prescribed for each substance referred to in Schedule 1 to the Act.

2B Bulk scheduled substances and equipment

For the purposes of subsection 9(5) of the Act, an HCFC or HFC that is in a polyol blend:

(a) is taken to be a ***bulk scheduled substance***; and

(b) is taken not to be ***contained*** in equipment; and

(c) is taken not to be ***used*** in the operation of equipment.

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Part 3—Licences

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

3 Unlicensed manufacture of scheduled substances or equipment

Manufacture of scheduled substances—exempt circumstances

(1) For the purposes of subsection 13(2) of the Act, the following circumstances are prescribed:

(a) that the SGG is not an HFC and the whole amount of the SGG is used in:

(i) a medical device; or

(ii) medicine; or

(iii) a veterinary device; or

(iv) veterinary medicine;

(b) that the manufacture of the SGG consists of the formation of the SGG as a by-product of the manufacture of aluminium.

Manufacture of equipment containing a scheduled substance

(1A) For the purposes of paragraph 13(3)(d) of the Act, the following equipment is prescribed:

(a) small SGG air conditioning equipment;

(b) multi-head small SGG air conditioning equipment.

(2) For the purposes of paragraph 13(5)(d) of the Act, the following are prescribed:

(a) a scheduled substance other than an SGG;

(b) small SGG air conditioning equipment;

(c) multi-head small SGG air conditioning equipment.

3A Unlicensed import of scheduled substances or equipment

Import of scheduled substances—exempt circumstances

(1) For the purposes of subsection 13AA(2) of the Act, it is a prescribed circumstance that:

(a) the SGG is not an HFC; and

(b) the whole amount of the SGG is used in:

(i) a medical device; or

(ii) medicine; or

(iii) a veterinary device; or

(iv) veterinary medicine.

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Import of equipment containing a scheduled substance—low volume imports exemption

(2) For the purposes of paragraph 13AA(4)(a) of the Act, the amount of 25 kilograms is prescribed.

(3) For the purposes of paragraph 13AA(4)(b) of the Act, it is a condition, in relation to an importation of SGG equipment by a person at a time in a calendar year, that the total amount of SGGs contained in:

(a) SGG equipment in the importation; and

(b) any other SGG equipment the person imported during the calendar year at or before that time;

is not greater than 25 kg.

(4) For the purposes of paragraph 13AA(5)(d) of the Act, the following are prescribed:

(a) a scheduled substance other than an SGG;

(b) small SGG air conditioning equipment;

(c) multi-head small SGG air conditioning equipment.

Import of equipment—exempt equipment

(5) For the purposes of paragraph 13AA(6)(a) of the Act, the following equipment is prescribed:

(a) imported foam equipment (other than expanding polyurethane foam aerosols);

(b) foam equipment (other than expanding polyurethane foam aerosols) included in other imported equipment;

(c) a medical device or medicine;

(d) a veterinary device or veterinary medicine.

Import of equipment—exemption for private or domestic use

(6) For the purposes of paragraph 13AA(7)(b) of the Act, the following equipment is prescribed:

(a) air conditioning equipment, including air conditioning equipment contained in something else (for example, in a motor vehicle, watercraft or aircraft);

(b) a heat pump;

(c) medical equipment;

(d) a part or component that contains a scheduled substance, other than a motor vehicle part or component;

(e) personal, household or food equipment;

(f) refrigeration equipment;

(g) safety equipment.

(7) For the purposes of paragraph 13AA(7)(c) of the Act, the following conditions are prescribed:

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(a) that the person comply with any notice from the Secretary requesting any of the following evidence in relation to the equipment:

(i) except if the equipment is medical equipment—evidence that the equipment has been owned for more than 12 months wholly or principally for private or domestic use before importation;

(ii) in any case—evidence that the equipment is imported wholly or principally for private or domestic use;

(b) that the person comply with the notice within 30 days after receiving the notice.

Import of equipment—exemption for temporary imports

(8) For the purposes of subparagraph 13AA(8)(a)(i) of the Act, the following purposes are prescribed:

(a) a research purpose;

(b) if the equipment is a shipping container—the purpose of refrigerating goods during shipping;

(c) the purpose of repairing or exchanging the equipment;

(d) the purpose of carrying out dredging activities, or activities relating to operating offshore platforms;

(e) the purpose of displaying or demonstrating the equipment to promote or advertise the equipment;

(f) the purpose of competing in a race or other event using the equipment.

Note: For paragraph (c), equipment imported for the purpose of repairing or exchanging the equipment must be imported for that purpose only: see subregulation (11).

(9) For the purposes of subparagraph 13AA(8)(a)(i) of the Act, the following circumstances are prescribed:

(a) both:

(i) that the equipment is not intended to remain in Australia; and

(ii) that the equipment does not change ownership in Australia;

(b) that the equipment is imported in accordance with an international agreement, to which Australia is a party, relating to temporary imports of scheduled substances;

(c) that the equipment is on either of the following:

(i) a vessel, other than an Australian vessel (within the meaning of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*), that is temporarily operating in Australia;

(ii) an aircraft, other than an Australian aircraft (within the meaning of that Act), that is temporarily operating in Australia.

(10) For the purposes of subparagraph 13AA(8)(a)(ii) of the Act, the period of 2 years is prescribed.

(11) For the purposes of paragraph 13AA(8)(b) of the Act, if the equipment is imported for the purpose of repairing or exchanging the equipment (see

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paragraph (8)(c) of this regulation), then it is a condition that the equipment is imported for that purpose only.

Import of equipment—exemption for returning Australian equipment

(12) For the purposes of paragraph 13AA(9)(a) of the Act, the following equipment is prescribed:
  (a) ODS equipment;
  (b) SGG equipment.

3C Application fee for licence (Act s 14)

(1) For the purposes of paragraph 14(2)(aa) of the Act, the following application fees are prescribed:
  (a) for a controlled substances licence—$15 000;
  (b) for an essential uses licence—$3 000;
  (c) for a used substances licence—$15 000;
  (d) for an equipment licence—$3 000.

(2) The Minister may waive the application fee for a controlled substances licence or a used substances licence if:
  (a) the purpose of the licence is to allow the manufacture, import or export of less than half a tonne of scheduled substances; and
  (b) the Minister is satisfied that the manufacture, import or export is for:
    (i) test purposes; or
    (ii) monitoring purposes; or
    (iii) laboratory and analytical purposes.

(3) The Minister may waive the application fee for an essential uses licence if the Minister is satisfied that the manufacture, import or export of the scheduled substance to which the licence relates is for test purposes.

(4) The Minister may waive the application fee for a controlled substances licence, a used substances licence or an essential uses licence if the Minister is satisfied that:
  (a) the scheduled substance to which the licence relates will be imported or exported for the purpose of the disposal of the substance; and
  (b) the disposal will be carried out by a technology approved by the parties to the Montreal Protocol.

(5) The Minister may waive the application fee for an equipment licence if the purpose of the licence is to allow the import of equipment containing 25 kilograms or less of HCFCs.

(6) The Minister may waive the application fee for any type of licence if the Minister is satisfied that there are exceptional circumstances that justify waiving the fee.

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3D Application fee for renewing licence

For the purposes of paragraph 19AA(3)(b) of the Act:

(a) the application fee for a renewal of a licence of a particular type is the same as the application fee for a licence of that type under subregulation 3C(1); and

(b) the Minister may waive the application fee for a renewal of a licence of a particular type in the circumstances in which the Minister could waive the application fee for a licence of that type under subregulation 3C(2), (3), (4), (5) or (6).

3DA Circumstances in which Minister may grant equipment licences—SGG equipment

(1) For the purposes of subsection 16(5) of the Act, it is a requirement in relation to the SGG equipment that the Minister is satisfied that:

(a) the equipment is not small SGG air conditioning equipment or multi-head small SGG air conditioning equipment; or

(b) if the equipment is small SGG air conditioning equipment or multi-head small SGG air conditioning equipment—one or more of the circumstances mentioned in subregulation (2) applies in relation to the equipment.

(2) For the purposes of paragraph (1)(b), the circumstances are as follows:

(a) both:

(i) the equipment is essential for medical, veterinary, defence, industrial safety, public safety, scientific, testing or monitoring purposes or laboratory and analytical uses; and

(ii) no practical alternative exists to the use of an HFC that has a global warming potential of more than 750 in the operation or manufacture, as the case requires, of the equipment if it is to continue to be effective for such a purpose;

(b) because of the requirements of a law concerning the manufacture or use of the equipment, there is no practical alternative to the use of an HFC that has a global warming potential of more than 750 in the operation of the equipment;

(c) in the case of the import of equipment—it would be impracticable to remove or retrofit the equipment because it is incidental to other equipment that is being imported;

(d) the equipment is for use in conjunction with the calibration of scientific, measuring or safety equipment;

(e) both:

(i) exceptional circumstances justify granting the licence in relation to the equipment; and

(ii) granting the licence would not be inconsistent with Australia's international obligations under the Montreal Protocol.

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3E Circumstances in which Minister may grant equipment licences—ODS equipment

For the purposes of paragraph 16(6)(b) of the Act, it is a requirement in relation to equipment that uses a scheduled substance its operation that the Minister is satisfied that:

(a) both:

(i) the equipment is essential for medical, veterinary, defence, industrial safety, public safety, scientific, testing or monitoring purposes or laboratory and analytical uses; and

(ii) no practical alternative exists to the use of the scheduled substance in the operation of the equipment if it is to continue to be effective for such a purpose; or

(b) because of the requirements of a law concerning the manufacture or use of the equipment, there is no practical alternative to the use of the scheduled substance in the operation of the equipment; or

(c) in the case of the import or export of equipment—it would be impracticable to remove or retrofit the equipment because it is incidental to other equipment that is being imported or exported; or

(d) in any case—the equipment is for use in conjunction with the calibration of scientific, measuring or safety equipment; or

(e) in any case—both:

(i) exceptional circumstances justify granting the licence; and

(ii) granting the licence would not be inconsistent with Australia's international obligations under the Montreal Protocol.

Note: For equipment that contains a scheduled substance, see paragraph 16(6)(a) and subsection 16(6A) of the Act.

3F Licence condition—importing substances in non-refillable containers

For the purposes of item 7 of the table in subsection 18(1) of the Act, it is a condition that either or both of the following is satisfied in relation to the import of a scheduled substance in a non-refillable container:

(a) the substance is imported for either of the following purposes:

(i) calibration or testing purposes;

(ii) laboratory or analytical purposes;

(b) there is no practical alternative to importing the substance in a non-refillable container.

4 Publication of information about licences (Act s 22)

(1) For section 22 of the Act, the Secretary may publish on the Department's website details of licences granted, suspended, cancelled and surrendered.

(2) The details that may be published about a licence are:

(a) the kind of licence; and

(b) the name of the licensee; and

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(c) the conditions (if any) imposed on the licence; and
(d) the date on which the licence comes into force; and
(da) the date on which the suspension, cancellation or surrender of the licence takes effect; and
(db) for the suspension of a licence:
(i) if the licence is suspended for a fixed period—the end of the period; and
(ii) if the licensee must take actions for the suspension to end—the actions the licensee must take; and
(e) the date on which the licence expires.

(3) The Secretary must ensure that the published details are updated as soon as practicable after any change and, in any event, at least every 6 months.

5 Records to be kept by licensees

(1) For the purposes of subsection 48(1) of the Act, a person who is, at any time in a month, a licensee must keep a record in writing of:
(a) the quantities of each scheduled substance manufactured, imported and exported by the person in the month; and
(b) in respect of each quantity of a scheduled substance that has been imported by the person in the month:
(i) the date of importation; and
(ii) the country of origin of the scheduled substance; and
(iii) the full name and address of the person from whom the scheduled substance was imported; and
(iv) the place at which the scheduled substance was discharged from the ship or aircraft on which the scheduled substance was carried; and
(v) if the scheduled substance was imported on a ship—the name of the ship; and
(vi) if the scheduled substance was imported on an aircraft—the flight number of the aircraft on which the scheduled substance was carried; and
(vii) whether the scheduled substance was imported for use as feedstock; and
(c) in respect of each quantity of a scheduled substance that has been exported by the person in the month:
(i) the date of exportation; and
(ii) the country of destination of the scheduled substance; and
(iii) the full name and address of the person to whom the scheduled substance was exported; and
(iv) the place at which the scheduled substance was loaded on the ship or aircraft on which the scheduled substance was carried; and
(v) if the scheduled substance was exported on a ship—the name of the ship; and

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(vi) if the scheduled substance was exported on an aircraft—the flight number of the flight on which the scheduled substance was carried; and

(d) in respect of each quantity of a scheduled substance that has been manufactured by the person in the month—whether the scheduled substance was manufactured for use as feedstock; and

(e) the quantity of each scheduled substance destroyed by the person in the month.

Penalty: 10 penalty units.

(2) Records must be retained, on the licensee's main business premises, for 5 years from the last day of the month to which the records relate.

Penalty: 10 penalty units.

(3) An offence under subregulation (1) or (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

6A Review of decisions

Subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal for a review of the following decisions:

(a) a decision under subregulation 3C(2) to refuse to waive the fee for a controlled substances licence or a used substances licence;

(b) a decision under subregulation 3C(3) to refuse to waive the fee for an essential uses licence;

(c) a decision under subregulation 3C(4) to refuse to waive the fee for a controlled substances licence, a used substances licence or an essential uses licence;

(ca) a decision under subregulation 3C(5) to refuse to waive the fee for an equipment licence;

(cb) a decision under subregulation 3C(6) to refuse to waive the fee for a licence;

(d) a decision under paragraph 3D(b) to refuse to waive the fee for a renewal of a licence.

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Part 4A—HFC quotas

Division 4A.1—Preliminary

40 Simplified outline of this Part

This Part provides in relation to HFC quotas and reserve HFC quotas.

HFC quotas are allocated for each of 2 consecutive years at a time. A person is eligible for HFC quotas for the years if the person:

(a) applies for quotas; and

(b) holds an SGG licence for the years.

The quotas allocated for the 2 years are identical.

An HFC quota consists of grandfathered and non-grandfathered quota. Grandfathered quota is allocated:

(a) for 2018 and 2019—to applicants who engaged in licensed regulated HCFC or HFC activities during 2009 to 2014; and

(b) for 2020 and 2021—to applicants who were allocated HFC quotas for 2018 and 2019; and

(c) for later years—to applicants who were allocated grandfathered quota for earlier years.

The sizes of grandfathered quotas are worked out on the basis of the applicants' past regulated HCFC and HFC activities and quotas.

Non-grandfathered quota is allocated in accordance with a legislative instrument made by the Minister.

A holder of grandfathered quota may apply to retire some of the holder's future entitlement to grandfathered quota. Retirement does not affect the amount of quota to which other licensees are entitled.

Reserve HFC quotas may be allocated for a calendar year. A person may apply for a reserve HFC quota for the calendar year if the person:

(a) holds SGG licences that cover the calendar year and the previous calendar year; and

(b) has been allocated an HFC quota for that previous calendar year.

The Minister may allocate a person a reserve HFC quota for the calendar year if:

(a) the person applies for the quota; and

(b) the person ordered one or more consignments of HFCs before 1 October of the previous calendar year; and

(c) at the time the order was placed, it was reasonable to expect that the consignments would be imported in that previous calendar year; and

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(d) the delivery of the consignments was delayed, or is likely to be delayed, for reasons beyond the person's control; and

(e) the sum of the quantity of HFCs involved in the person's regulated HFC activities for that previous calendar year and the quantity of HFCs in the consignments will not be more than the person's HFC quota for that previous calendar year.

The size of any reserve HFC quota allocated by the Minister must not exceed the size of the delayed consignments.

41 HFC quota allocation periods

(1) An ***HFC quota allocation period*** is 2 years.

(2) The first HFC quota allocation period starts on 1 January 2018.

(3) Each HFC quota allocation period, except the first, starts at the end of the last preceding one.

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Division 4A.2—HFC industry limit

42 HFC industry limit

For the purposes of subsection 36A(1) of the Act, the ***HFC industry limit*** for a calendar year in an HFC quota allocation period mentioned in an item of the following table is the quantity of HFCs, expressed in CO_2e megatonnes, specified in that item.

Base HFC industry limits

Item	Column 1 HFC quota allocation period starting on 1 January …	Column 2 Quantity of HFCs, expressed in CO_2e megatonnes
1	2018	8.000
2	2020	7.250
3	2022	6.250
4	2024	5.250
5	2026	4.250
6	2028	3.200
7	2030	2.900
8	2032	2.650
9	2034	2.100
10	in 2036 or a later year	1.607

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Division 4A.3—Applications, allocation and size of HFC quotas

Subdivision 4A.3.1—Purpose of this Division

43 Purpose of this Division

For the purposes of subsection 36C(1) of the Act, this Division provides in relation to:

(a) a process for applying for HFC quotas, including who may apply; and

(b) a process for the Minister to allocate HFC quotas for calendar years to SGG licensees; and

(c) a process for the Minister to:

(i) vary the size of HFC quotas; or

(ii) cancel HFC quotas; and

(d) the method for working out the size of HFC quotas.

Subdivision 4A.3.2—Applications and allocation

44 Applying for HFC quotas

(1) A person may apply for HFC quotas for both of the calendar years in an HFC quota allocation period if:

(a) the person holds an SGG licence that covers the period; or

(b) both:

(i) the person has applied for such a licence; and

(ii) the application has not been refused; or

(c) all of the following subparagraphs apply:

(i) the person has applied for the renewal of an SGG licence;

(ii) the application has not been refused;

(iii) if the licence is renewed, the licence will cover the whole of the period.

Note: The Minister must consider the applications mentioned in paragraphs (b) and (c) before allocating HFC quotas: see subregulation (4). A person who does not hold an SGG licence that covers an HFC quota allocation period is not entitled to an amount of HFC quota for a year in that period: see Subdivision 4A.3.3.

(2) The application must:

(a) be in the approved form; and

(b) be given to the Minister on or before:

(i) if the HFC quota allocation period is the first HFC quota allocation period—the day determined under subregulation (3); or

(ii) otherwise—31 August in the last year before the start of the HFC quota allocation period; and

(c) specify the calendar years to which the application relates; and

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(d) state whether the applicant wishes to be allocated non-grandfathered quota for the years.

(3) The Minister must, by legislative instrument, determine the day on or before which applications for HFC quotas for the calendar years in the first HFC quota allocation period must be given.

Minister must determine licence applications before allocating quotas

(4) If paragraph (1)(b) or (c) applies to any of the applicants for HFC quotas for the years in an HFC quota allocation period because the applicants have applied for SGG licences or for the renewal of SGG licences, the Minister must determine each of those applications under Part III of the Act by:

(a) issuing or renewing an SGG licence; or

(b) refusing the application;

before the Minister allocates any HFC quotas for the years.

(5) Subregulation (4) has effect as if a reference in section 17 or 19AD of the Act to section 66 included a reference to that subregulation.

45 Allocating HFC quotas for HFC quota periods

(1) The Minister must, subject to subregulation 44(4), allocate an HFC quota for each of the calendar years in an HFC quota allocation period to a person if the person is entitled to amounts of grandfathered quota or non-grandfathered quota for the years.

Note: For when a person is entitled to amounts of grandfathered quota or non-grandfathered quota, see Subdivision 4A.3.3.

(2) The Minister must determine the size of each HFC quota in accordance with regulation 47.

(3) An HFC quota is allocated by written notice given to the person.

(4) The notice must:

(a) specify the size of the HFC quota; and

(b) specify:

(i) how much of the quota is an amount of grandfathered quota; and

(ii) how much of the quota is an amount of non-grandfathered quota; and

(c) specify the calendar year for which the quota is allocated.

Subdivision 4A.3.3—Entitlement to, and size of, HFC quotas

46 Definitions

The following table defines the ***base period***, ***grandfathered percentage*** and ***non-grandfathered percentage*** for an HFC quota allocation period.

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Definitions relating to HFC quota allocation periods				
Item	**Column 1** **HFC quota allocation period**	**Column 2** **Base period**	**Column 3** **Grandfathered percentage**	**Column 4** **Non-grandfathered percentage**
1	the first HFC quota allocation period	the 6 years starting on 1 January 2009	90%	10%
2	the second HFC quota allocation period	the 12 months starting on 1 January 2018	95%	5%
3	any other HFC quota allocation period	the 2 years starting 3 years before the start of the HFC quota allocation period	95%	5%

47 Size of HFC quotas

The size of an HFC quota allocated to an SGG licensee for a calendar year is the total of any amounts of grandfathered quota and non-grandfathered quota to which the person is entitled for the year.

48 Grandfathered quota—first HFC quota allocation period

Entitlement

(1) A person is entitled to an amount of grandfathered quota for each of 2018 and 2019 if:
  (a) the person applies in accordance with regulation 44 for HFC quotas for the years; and
  (b) the person holds an SGG licence that covers the whole of the first HFC quota allocation period; and
  (c) the person engaged in a licensed regulated HCFC activity or licensed regulated HFC activity at any time during 2009 to 2014.

Amount

(2) The amount of grandfathered quota to which a person is entitled for 2018 or 2019 (the ***allocation year***) is the amount worked out using the following formula:

$$\frac{\text{Amount of licensed activities of the person}}{\text{Total amount of licensed activities}} \times \text{HFC industry limit for the allocation year} \times 90\%$$

where:

amount of licensed activities of a person means the sum of:
  (a) 75% of the total quantity (including nil) of HCFCs, expressed in CO_2e megatonnes, involved in licensed regulated HCFC activities engaged in by the person during 2009 to 2014; and

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(b) the total quantity (including nil) of HFCs, expressed in CO_2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during 2009 to 2014.

total amount of licensed activities means the sum of the amounts of licensed activities of each person who is entitled to grandfathered quota for the allocation year.

Importations of HCFCs in excess of HCFC quota disregarded

(3) Subsection (4) applies if:

(a) the total quantity (the ***year's total***) of HCFCs, expressed in ODP tonnes, involved in licensed regulated HCFC activities engaged in by a person during a calendar year in a quota period (within the meaning of section 23A of the Act); exceeds

(b) half of the HCFC quota allocated to the person for the quota period.

(4) For the purposes of paragraph (a) of the definition of ***amount of licensed activities*** in subregulation (2), the quantity of HCFCs, expressed in ODP tonnes, involved in a particular licensed regulated HCFC activity engaged in by the person during the year is taken to be the amount worked out using the following formula:

$$\text{The quantity of HCFCs, expressed in ODP tonnes, involved in the particular activity} \times \frac{\text{Half of the HCFC quota}}{\text{The year's total}}$$

Exports of HFCs disregarded

(5) For the purposes of paragraph (b) of the definition of ***amount of licensed activities*** in subregulation (2), any quantities of HFCs exported by a person during 2009 to 2014 are disregarded.

Note: Subsection 36B(2) of the Act reduces the quantity of HFCs that is taken to be involved in regulated HFC activities engaged in by an SGG licensee in a period by the quantity of HFCs exported by the licensee in the period.

49 Grandfathered quota—second HFC quota allocation period

Entitlement

(1) A person is entitled to an amount of grandfathered quota for each of 2020 and 2021 if:

(a) the person applies in accordance with regulation 44 for HFC quotas for the years; and

(b) the person holds an SGG licence that covers the whole of the second HFC quota allocation period; and

(c) HFC quotas were allocated to the person for the calendar years in the first HFC quota allocation period.

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Amount

(2) The amount of grandfathered quota to which a person is entitled for 2020 or 2021 (the ***allocation year***) is the amount worked out using the following formula:

$$\left(\frac{\text{Amount of licensed activities (grandfathered) of the person}}{\text{Total amount of licensed activities (grandfathered)}} \times \text{HFC industry limit for the allocation year} \times 90\% \right) + \left(\frac{\text{Amount of licensed activities (non-grandfathered) of the person}}{\text{Total amount of licensed activities (non-grandfathered)}} \times \text{HFC industry limit for the allocation year} \times 5\% \right)$$

where:

amount of licensed activities (grandfathered) of a person means the lesser of:

(a) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during 2018; and

(b) the amount (including nil) of grandfathered quota included in the HFC quota allocated to the person for 2018.

amount of licensed activities (non-grandfathered) of a person means the lesser of:

(a) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during 2018, reduced (but not below nil) by the amount of licensed activities (grandfathered) of the person; and

(b) the amount (including nil) of non-grandfathered quota included in the HFC quota allocated to the person for 2018.

total amount of licensed activities (grandfathered) means the sum of the amounts of licensed activities (grandfathered) of each person who is entitled to grandfathered quota for the allocation year.

total amount of licensed activities (non-grandfathered) means the sum of the amounts of licensed activities (non-grandfathered) of each person who is entitled to grandfathered quota for the allocation year.

50 Grandfathered quota—later HFC quota allocation periods

Entitlement

(1) A person is entitled to an amount of grandfathered quota for each of the calendar years in an HFC quota allocation period, other than the first or second HFC quota allocation period, if:

(a) the person applies in accordance with regulation 44 for HFC quotas for the years; and

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(b) the person holds an SGG licence that covers the whole of the period; and
(c) HFC quotas were allocated to the person for the calendar years in the previous HFC quota allocation period; and
(d) those quotas included amounts of grandfathered quota.

Amount

(2) The amount of grandfathered quota to which a person is entitled for a year (the ***allocation year***) in an HFC quota allocation period, other than the first or second HFC quota allocation period, is the amount worked out using the following formula:

$$\frac{\text{Amount of licensed activities of the person}}{\text{Total amount of licensed activities}} \times \text{HFC industry limit for the allocation year} \times \text{Grandfathered percentage for the period}$$

where:

amount of licensed activities of a person means the sum of the annual amounts of licensed activities of the person for the calendar years in the base period for the HFC quota allocation period.

annual amount of licensed activities of a person for a calendar year means:
(a) for 2019—the amount applicable under subregulation (3) for the person; or
(b) for 2020 or a later calendar year—the amount applicable under subregulation (4) for the person.

total amount of licensed activities means the sum of the amounts of licensed activities of each person who is entitled to grandfathered quota for the allocation year.

Annual amount of licensed activities—2019

(3) For the purposes of paragraph (a) of the definition of ***annual amount of licensed activities*** in subregulation (2), the amount for a person for 2019 is the lesser of:
(a) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during the year; and
(b) the amount of grandfathered quota included in the HFC quota allocated to the person for the year.

Annual amount of licensed activities—2020 and later calendar years

(4) For the purposes of paragraph (b) of the definition of ***annual amount of licensed activities*** in subregulation (2), the amount for a person for 2020 or a later calendar year is:
(a) unless paragraph (b) of this subregulation applies—the amount of grandfathered quota included in the HFC quota allocated to the person for the year; or

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(b) the total quantity (including nil) of HFCs, expressed in CO2e megatonnes, involved in licensed regulated HFC activities engaged in by the person during the year, if that quantity is less than:

(i) for 2020—75% of the amount mentioned in paragraph (a) of this subregulation; or

(ii) for later calendar years—90% of the amount mentioned in paragraph (a) of this subregulation.

Annual amount of licensed activities—effect of allocation of reserve HFC quota

(5) For the purposes of paragraph (4)(b), if:

(a) the person is allocated reserved HFC quota for a calendar year (the ***current year***) in respect of a consignment of HFCs ordered before 1 October of the previous calendar year (see paragraph 62(1)(b)); and

(b) the consignment is imported in the current year;

then the consignment is taken to have been imported in the previous calendar year rather than the current year.

51 Non-grandfathered quota

Entitlement

(1) A person is entitled to an amount of non-grandfathered quota for each of the calendar years in an HFC quota allocation period if:

(a) the person applies in accordance with regulation 44 for HFC quotas for the years; and

(b) the application states, under paragraph 44(2)(d), that the person wishes to be allocated non-grandfathered quota for the years; and

(c) the person holds an SGG licence that covers the whole of the period; and

(d) a determination under subregulation (4) of this regulation is in force in relation to the period; and

(e) the person meets the requirements prescribed by the determination in relation to the year.

Amount

(2) The amount of non-grandfathered quota to which a person is entitled for a calendar year in an HFC quota allocation period is the amount worked out under the determination made under subregulation (4).

(3) The sum of all the amounts of non-grandfathered quota to which persons are entitled for a calendar year in an HFC quota allocation period must not exceed the amount worked out using the following formula:

$$\text{HFC industry limit for the year} \times \text{Non-grandfathered percentage for the period}$$

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Determination

(4) The Minister may, by legislative instrument, determine the following in relation to an HFC quota allocation period:
  (a) requirements for a person to be entitled to an amount of non-grandfathered quota for each of the calendar years in the period;
  (b) the amount, or the method for working out the amount, of non-grandfathered quota to which a person is entitled for each of the years.

(5) In making a determination under subregulation (4), the Minister:
  (a) must have regard to Australia's international obligations, and the policies of the Commonwealth Government, in relation to the manufacture, importation or consumption of scheduled substances; and
  (b) may have regard to any other matters he or she thinks relevant.

(6) A determination made under subregulation (4) may provide in relation to review of decisions made under the determination.

52 Business succession

Requests

(1) A person who engaged in a licensed regulated HCFC activity in the base period for the first HFC quota allocation period may request that:
  (a) the activity be taken to have been engaged in by another specified person; and
  (b) all or part of an HCFC quota allocated to the first person for the quota period (within the meaning of section 23A of the Act) in which the licensed regulated HCFC activity was engaged in be taken to have been:
    (i) allocated to the other person; and
    (ii) not allocated to the first person.

(2) A person who engaged in a licensed regulated HFC activity in the base period for an HFC quota allocation period may request that:
  (a) the activity be taken to have been engaged in by another specified person; and
  (b) all or part of an HFC quota allocated to the first person for the calendar year in which the licensed regulated HFC activity was engaged in be taken to have been:
    (i) allocated to the other person; and
    (ii) not allocated to the first person.

(3) A request under subregulation (1) or (2) must be:
  (a) in the approved form; and
  (b) given to the Minister before the day on or before which, under paragraph 44(2)(b), applications for HFC quotas for the calendar years in the HFC quota allocation period must be made.

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(4) If the Minister receives a request under subregulation (1) or (2) in accordance with subregulation (3), then, for the purposes of applying this Subdivision in allocating HFC quotas for the HFC quota allocation period mentioned in subregulation (1) or (2) (whichever is applicable) and later HFC quota allocation periods:

(a) the activity specified in the request is taken to have been engaged in by the person specified in the request, rather than by the person who makes the request; and

(b) all or part of the HCFC quota or HFC quota specified in the request is taken to have been allocated to the person specified in the request, rather than to the person who makes the request.

Variations and withdrawals

(5) A person who makes a request under subregulation (1) or (2) may vary or withdraw it.

(6) The variation or withdrawal must be:

(a) in the approved form; and

(b) given to the Minister no later than 30 days after the day mentioned in paragraph (3)(b).

Licence requirements

(7) To avoid doubt, for the purposes of this Subdivision, an activity that a person is taken under subregulation (4) to have engaged in at a time is a licensed regulated HCFC activity or licensed regulated HFC activity even if the person did not actually hold at that time a controlled substances licence or SGG licence that allowed the activity.

53 Transfer of HFC quotas

A transfer of an HFC quota under section 36F of the Act does not affect the relative proportions of any amounts of grandfathered quota and non-grandfathered quota included in the HFC quota.

Subdivision 4A.3.4—Correcting HFC quotas

54 Correcting HFC quotas

Varying size of HFC quotas

(1) If, after an HFC quota is allocated to a person for a calendar year, the Minister becomes satisfied that the size of the quota is incorrect, the Minister must, by written notice given to the person, amend the size of the HFC quota to be the correct amount.

Note: For the correct size of an HFC quota, see regulation 47.

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Example: The size of an HFC quota allocated to an SGG licensee for a year could be incorrect because another SGG licensee was incorrectly taken to be, or not to be, entitled to an amount of grandfathered quota or non-grandfathered quota for the year.

(2) An amendment of an HFC quota under subregulation (1) has effect from the start of the calendar year for which the quota was allocated.

Cancelling HFC quotas

(3) If, after an HFC quota is allocated to a person for a calendar year, the Minister becomes satisfied that the person was not entitled to such a quota, the Minister must, by written notice given to the person, cancel the quota.

Note: For when a person is entitled to an HFC quota, see subregulation 45(1).

(4) An HFC quota cancelled under subregulation (3) is taken never to have been in force and never to have been allocated.

Subdivision 4A.3.5—Retiring HFC quota entitlements

55 Applying to retire quota entitlements

(1) An SGG licensee may apply for the retirement of a specified percentage of the licensee's entitlement to HFC quotas for calendar years occurring in or after a specified HFC quota allocation period (the ***retirement period***) (other than the first HFC quota allocation period) if:

(a) the licensee has been allocated HFC quotas for the calendar years in the HFC quota allocation period occurring immediately before the retirement period; and

(b) if the retirement period occurs after the second HFC quota allocation period—the quotas mentioned in paragraph (a) include amounts of grandfathered quota.

(2) The application must:

(a) be in writing; and

(b) be given to the Minister no later than 30 June before the start of the retirement period.

56 Consultation before retiring quota entitlements

(1) Before the Minister makes a decision on an application under regulation 55 to retire a percentage of an SGG licensee's entitlement to HFC quotas for calendar years occurring in or after a specified HFC quota allocation period (the ***retirement period***), the Minister must consult industry and the public about the application.

(2) Without limiting the ways in which the Minister may comply with the obligation in subregulation (1), the Minister is taken to comply with that obligation if the Minister:

(a) on the Department's website:

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(i) makes available the application for the retirement, or a description of the proposed retirement; and

(ii) invites the public to comment on the proposed retirement; and

(b) notifies each SGG licensee (other than the applicant) to whom HFC quotas have been allocated for the calendar years in the HFC quota allocation occurring immediately before the retirement period:

(i) that the application or description is available on the Department's website; and

(ii) that the SGG licensee is invited to comment on the proposed retirement; and

(c) does not make a decision on the application before the end of the 20 days starting on the day the Minister makes the application or description available under paragraph (a).

(3) A failure to consult as required by subregulation (1) does not invalidate a decision under this Division.

57 Retiring quota entitlements

(1) If an SGG licensee applies under regulation 55 to retire a percentage of the licensee's entitlement to HFC quotas for calendar years occurring in or after a specified HFC quota allocation period, the Minister must:

(a) by notifiable instrument, retire a specified percentage of the licensee's entitlement to HFC quotas for those years; or

(b) refuse the application by written notice given to the applicant.

(2) The percentage specified under paragraph (1)(a) must be:

(a) the percentage specified in the application; or

(b) a lesser percentage.

(3) In deciding the application, the Minister:

(a) must have regard to the likely demand for HFC in Australia in those years; and

(b) must have regard to Australia's international obligations, and the policies of the Commonwealth Government, in relation to the manufacture, importation or consumption of scheduled substances; and

(c) may have regard to any other matters he or she thinks relevant.

58 Retiring quota entitlements—effects

(1) This section applies if, under regulation 57, the Minister retires a percentage (the ***retirement percentage***) of the entitlement of an SGG licensee (the ***applicant***) to HFC quotas for calendar years occurring in or after a particular HFC quota allocation period (the ***retirement period***).

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Reduction in applicant's HFC quotas

(2) The amount of grandfathered quota (if any) to which the applicant is entitled for each of those years is:

(a) if the year occurs in the retirement period—reduced by the retirement percentage; or

(b) if the year occurs after the retirement period—reduced to equal the amount (the ***reduced maximum***) worked out by reducing the maximum grandfathered quota for the year by the retirement percentage (if the amount of grandfathered quota would otherwise exceed the reduced maximum).

Note 1: For the maximum grandfathered quota, see subregulation (4).

Note 2: An amount of grandfathered quota that is reduced under this subregulation is not reallocated to another SGG licensee.

Retirement does not affect entitlements of other SGG licensees

(3) In applying:

(a) the definitions of ***total amount of licensed activities (grandfathered)*** and ***total amount of licensed activities (non-grandfathered)*** in subregulation 49(2); and

(b) the definition of ***total amount of licensed activities*** in subregulation 50(2);

for the purposes of allocating HFC quotas for calendar years in an HFC quota allocation period (the ***current period***) occurring after the retirement period:

(c) the applicant is taken to have been allocated an HFC quota for each calendar year occurring in or after the retirement period (if the applicant was not actually allocated a quota for the year); and

(d) the applicant is taken to have been entitled to grandfathered quota for each calendar year occurring in or after the retirement period (if the applicant was not actually so entitled); and

(e) for each calendar year (the ***earlier year***) occurring in or after the retirement period and in or before the base period for the current period, both:

(i) the amount of grandfathered quota to which the applicant was entitled for the earlier year; and

(ii) the total quantity of HFCs, expressed in CO_2e megatonnes, involved in licensed regulated HFC activities engaged in by the applicant during the earlier year;

are taken to equal the maximum grandfathered quota for the earlier year.

(4) The ***maximum grandfathered quota*** for a calendar year (the ***current year***) is the amount of grandfathered quota to which the applicant would be entitled for the current year if:

(a) the applicant were allocated an HFC quota each calendar year occurring in or after the retirement period; and

(b) the applicant were entitled to grandfathered quota for each calendar year occurring in or after the retirement period; and

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(c) the amount of the grandfathered quota to which the applicant was entitled for each calendar year occurring in the retirement period were equal to the grandfathered quota to which the applicant would have been entitled for that year apart from paragraph (2)(a); and

(d) for each calendar year (the ***earlier year***) occurring in or after the retirement period and in or before the base period for the current period, both:

(i) the amount of grandfathered quota to which the applicant was entitled for the earlier year (unless the year occurs in the retirement period); and

(ii) the total quantity of HFCs, expressed in CO_2e megatonnes, involved in licensed regulated HFC activities engaged in by the applicant during the earlier year;

were equal to the maximum grandfathered quota for the earlier year.

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Division 4A.4—Reserve HFC Quotas

Subdivision 4A.4.1—Purpose of this Division

60 Purpose of this Division

(1) For the purposes of subsection 36G(2) of the Act, this Division provides in relation to:
  (a) a process for applying for reserve HFC quotas for a calendar year, including who may apply; and
  (b) a process for the Minister to allocate reserve HFC quotas for that calendar year to SGG licensees; and
  (c) a process for the Minister to:
    (i) vary the size of reserve HFC quotas; or
    (ii) cancel reserve HFC quotas; and
  (d) the method for working out the size of reserve HFC quotas for that calendar year.

(2) For the purposes of subsection 36G(3) of the Act, this Division also prescribes the reserve HFC quota limit.

Subdivision 4A.4.2—Applications and allocation

61 Applying for reserve HFC quota

(1) A person may apply for a reserve HFC quota for a calendar year if:
  (a) the person holds SGG licences that cover the calendar year and the previous calendar year; and
  (b) the person has been allocated an HFC quota for the previous calendar year.

(2) The application must:
  (a) be in the approved form; and
  (b) be given to the Minister on or before:
    (i) if, at the time the application is made, the person has not been allocated an HFC quota for the calendar year—1 December of the previous calendar year; or
    (ii) otherwise—31 January of the calendar year.

62 Allocating reserve HFC quotas

(1) The Minister may allocate a reserve HFC quota to a person for a calendar year if:
  (a) the person applies in accordance with regulation 61 for a reserve HFC quota for the calendar year; and
  (b) the Minister is satisfied that there are one or more consignments of HFCs in relation to which the following conditions are satisfied:

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(i) the person ordered the consignments before 1 October of the previous calendar year;

(ii) at the time the order was placed, it was reasonable to expect that the consignments would be imported before the end of the previous calendar year;

(iii) the importation of the consignments was, or is likely to be, delayed until the calendar year, for reasons outside of the person's control; and

(c) the Minister is satisfied that the sum of the following will not be more than the person's HFC quota for the previous calendar year:

(i) the total quantity of HFCs, expressed in CO_2e megatonnes, involved in regulated HFC activities engaged in by the person during the previous calendar year;

(ii) the total quantity of HFCs, expressed in CO_2e megatonnes, in the consignments covered by paragraph (1)(b) in relation to the person.

(2) The size of a reserve HFC quota allocated to a person for the calendar year is the amount determined by the Minister, which must not exceed the quantity of HFCs, expressed in CO_2e megatonnes, in the consignments covered by paragraph (1)(b) in relation to the person.

Note: Subsection 36G(4) of the Act provides that the sum of the amounts of all reserve HFC quotas allocated for a calendar year (including any part of that year) must not be more than the reserve HFC quota limit for that year.

(3) A reserve HFC quota is allocated by written notice given to the person.

(4) The notice must:

(a) specify the size of the reserve HFC quota; and

(b) specify the calendar year for which the quota is allocated.

Subdivision 4A.4.3—Correcting reserve HFC quotas

63 Correcting reserve HFC quotas

Varying size of reserve HFC quotas

(1) If, after a reserve HFC quota is allocated to a person for a calendar year, the Minister becomes satisfied that the size of the quota is inappropriate, the Minister must, by written notice given to the person, vary the size of the reserve HFC quota.

Note: For the size of a reserve HFC quota, see subregulation 62(2) and subsection 36G(4) of the Act.

(2) A variation of a reserve HFC quota under subregulation (1) has effect from the start of the calendar year.

Cancelling reserve HFC quotas

(3) The Minister may, by written notice given to a person, cancel a reserve HFC quota allocated to the person for a calendar year if:

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(a) all of the consignments referred to in paragraph 62(1)(b), in respect of which the quota was allocated, were imported in the previous calendar year; or

(b) the total quantity of HFCs, expressed in CO_2e megatonnes, involved in regulated HFC activities engaged in by the person during the previous calendar year equals or exceeds the person's HFC quota for that previous calendar year.

(4) A reserve HFC quota cancelled under subregulation (3) is taken never to have been in force and never to have been allocated.

Subdivision 4A.4.4—Reserve HFC quota limit

64 Reserve HFC quota limit

(1) For the purposes of paragraph 36G(3)(b) of the Act, the ***reserve HFC quota limit*** for a calendar year is the amount worked out by reducing Australia's HFC consumption limit for the calendar year by the HFC industry limit specified in regulation 42 for that calendar year.

(2) For the purposes of subregulation (1), ***Australia's HFC consumption limit*** for a calendar year is the amount worked out for Australia for the calendar year using the method set out in Article 2J(1) of the Montreal Protocol, as that method is in force when this subregulation commenced.

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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 99 (inclusive) are reserved for future use.

Division 6A.1—Preliminary

100 Purpose of Part 6A

For section 45A of the Act, Part 6A imposes controls on:

(a) the sale, purchase, and other acquisition or disposal of:
  (i) scheduled substances for refrigeration and air conditioning, and fire protection; and
  (ii) methyl bromide; and

(b) the storage, use and handling of:
  (i) scheduled substances for refrigeration and air conditioning, and fire protection; and
  (ii) methyl bromide.

102 Considerations in deciding whether someone is a fit and proper person to hold a permit

(1) This regulation applies for the purposes of a decision-maker deciding whether a person is a fit and proper person to hold a permit of one of the following kinds:
  (a) an RAC industry permit under Division 6A.2;
  (b) a feedstock permit under Division 6A.3;
  (c) a fire protection industry permit under Division 6A.4.

Note: This affects what is information that is needed to make, or relevant to, such a decision, and so affects provisions about giving a decision-maker such information, as well as affecting provisions about the decision-maker being satisfied that the person is or is not a fit and proper person to hold the licence.

Decision relating to grant of the permit

(2) If the decision relates to the grant of the permit, the decision-maker must have regard to the following considerations:
  (a) the considerations described in column 2 of item 1 of the table in subsection 13B(1) of the Act in relation to the person;
  (b) any suspension or cancellation of another permit of the same kind held by the person;
  (c) any contravention of a condition of another permit of the same kind held by the person.

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Decision relating to cancellation or suspension of the permit

(3) If the decision relates to the cancellation or suspension of the permit, the decision-maker must have regard to the following considerations:

(a) the considerations described in column 2 of item 1 of the table in subsection 13B(1) of the Act in relation to the person;

(b) any earlier suspension of the permit;

(c) any contravention of a condition of the permit;

(d) any suspension or cancellation of another permit of the same kind held by the person;

(e) any contravention of a condition of another permit of the same kind held by the person.

Considerations for bodies corporate

(3A) If the person is a body corporate, the Minister:

(a) must also have regard to each consideration in subregulation (2) and paragraphs (3)(a), (d) and (e) in relation to each person who is an executive officer of the body (whether or not the person was an executive officer of the body corporate at the time a matter occurs that relates to the consideration); and

(b) may also have regard to whether the body is a Chapter 5 body corporate within the meaning of the *Corporations Act 2001*.

This regulation does not limit considerations

(4) This regulation does not limit matters that the decision-maker may consider.

Spent conviction scheme not affected

(5) This regulation does not affect the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

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Division 6A.2—Refrigeration and air conditioning

Subdivision 6A.2.1—Preliminary

110 Definitions for Division 6A.2

In this Division:

AMSA certificate means a certificate of competency, issued under section 31 of the *Navigation Act 2012*, for any of the following:

(a) an Engineer Class 1;

(b) an Engineer Class 2;

(c) an Engineer Watchkeeper.

AMSA vessel means a vessel:

(a) to which the *Navigation Act 2012* applies; or

(b) that is taken to be a facility under clause 4 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

commercial stand-alone refrigeration equipment means refrigeration equipment that:

(a) is designed primarily for commercial use; and

(b) is designed not to be permanently connected to the power supply of the premises where it is installed; and

(c) does not require the installation of pipework to enable the movement of refrigerant.

domestic refrigeration or air conditioning equipment means refrigeration or air conditioning equipment that:

(a) is designed primarily for household use; and

(b) is designed not to be permanently connected to the power supply of the premises where it is installed; and

(c) does not require the installation of pipework to enable the movement of refrigerant.

Note: This definition does not cover split system air conditioners.

halon special permit means a permit granted under regulation 150.

RAC equipment (or ***refrigeration and air conditioning equipment***) means equipment, used for the cooling or heating of anything, that uses any or all of CFC, HCFC, HFC, PFC and halon.

RAC equipment manufacturing authorisation means an authorisation granted under paragraph 140(1)(b).

RAC Industry Board means a body appointed under paragraph 120(2)(a).

RAC industry permit means any of the following:

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(a) a refrigerant handling licence;
(b) a refrigerant trading authorisation;
(c) an RAC equipment manufacturing authorisation;
(d) a halon special permit;
(e) a restricted refrigerant trading authorisation;
(f) a special circumstances exemption.

RAC industry powers and functions means the powers and functions given to the Minister by subregulation 120(1).

refrigerant means any or all of CFC, HCFC, HFC, PFC and halon that is, or has been, used in RAC equipment.

refrigerant destruction facility means a facility that a person is approved to operate under regulation 114.

refrigerant handling licence means a licence granted under Subdivision 6A.2.2.

refrigerant trading authorisation means an authorisation granted under paragraph 140(1)(a).

relevant authority, in relation to an RAC industry permit, or an application for a permit, means:
(a) the relevant Board; or
(b) the Minister.

relevant Board means:
(a) in relation to an RAC industry permit—the RAC Industry Board that granted the permit; or
(b) in relation to an application for a permit—the Board to which the application is made.

restricted refrigerant trading authorisation means an authorisation granted under paragraph 140(1)(c).

special circumstances exemption has the meaning given by regulation 151.

111 Carrying out work in relation to RAC equipment

(1) A person contravenes this subregulation if the person carries out work in relation to RAC equipment and the person is not:
(a) both:
(i) the holder of a refrigerant handling licence; and
(ii) entitled under the licence to carry out the work; or
(b) both:
(i) engaged in a phase of the manufacture of RAC equipment; and
(ii) supervised by the holder of a licence granted under regulation 131 or 133 that entitles the holder to manufacture RAC equipment; or
(c) both:

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(i) the holder of a special circumstances exemption; and
(ii) entitled under the exemption to carry out the work; or

(ca) both:
(i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to carry out the work; and
(ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

(d) both:
(i) the holder of an AMSA certificate; and
(ii) required to carry out the work on an AMSA vessel as part of his or her duties on the vessel.

(2) For subregulation (1), ***carries out work in relation to RAC equipment*** means doing anything with a refrigerant, or a component of RAC equipment, that involves a risk of refrigerant being emitted, including:
(a) decanting the refrigerant; and
(b) manufacturing, installing, commissioning, servicing and maintaining RAC equipment, whether or not refrigerant is present; and
(c) decommissioning RAC equipment in which refrigerant is present.

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

111A Prohibited refrigerant charging

(1) A person contravenes this subregulation if the person engages in prohibited refrigerant charging.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

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Civil penalty: 60 penalty units.

112 Possessing or trading in refrigerant

(1) In this regulation:

bulk refrigerant means refrigerant other than halon, but does not include refrigerant that is contained in RAC equipment.

(2) A person must not acquire, possess, or dispose of bulk refrigerant unless the person is:

(a) the holder of a refrigerant trading authorisation or an RAC equipment manufacturing authorisation; or

(b) the operator of a refrigerant destruction facility; or

(c) approved to conduct a trial of a facility under regulation 115; or

(d) both:

(i) the holder of a special circumstances exemption; and

(ii) entitled under the exemption to acquire, possess or dispose of bulk refrigerant; or

(e) both:

(i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to acquire, possess or dispose of bulk refrigerant; and

(ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

(3) Subregulation (2) does not apply to a person if the person, as soon as practicable after becoming aware that the person possessed bulk refrigerant, gave it to:

(a) the holder of a refrigerant trading authorisation; or

(b) the operator of a refrigerant destruction facility; or

(c) the holder of a special circumstances exemption that entitles the holder to acquire, possess or dispose of bulk refrigerant.

Note 1: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

Note 2: For guidance on locating holders of refrigerant trading authorisations, see www.dcceew.gov.au/environment/protection/ozone/rac.

Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Civil penalty provision

(5) A person is liable to a civil penalty if the person contravenes subregulation (2).

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Civil penalty: 60 penalty units.

113 Possessing halon

(1) A person must not possess halon that is, or has been, for use in RAC equipment, unless the person is:
  (a) the holder of a halon special permit; or
  (b) the operator of a refrigerant destruction facility; or
  (c) approved to conduct a trial of a facility under regulation 115; or
  (d) both:
    (i) the holder of a special circumstances exemption; and
    (ii) entitled under the exemption to possess halon; or
  (e) both:
    (i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to possess halon; and
    (ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

(2) Subregulation (1) does not apply to a person if the person:
  (a) in the case of a person who is the holder of an extinguishing agent trading authorisation—acquired the halon for transfer to an extinguishing agent destruction facility; or
  (b) as soon as practicable after becoming aware that the person possessed halon, gave it to:
    (i) the operator of a refrigerant destruction facility; or
    (ii) the holder of a special circumstances exemption that entitles the holder to possess halon.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

113A False representations

(1) A person contravenes this subregulation if:

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(a) the person makes a representation that the person can provide a service that involves the acquisition, disposal, storage, use or handling of refrigerant; and

(b) at the time of making the representation, the person does not hold an RAC industry permit that entitles the person to provide the service; and

(c) at the time of making the representation, the person does not employ, or has not engaged, a person who holds a refrigerant handling licence for work of the kind that is necessary to provide the service.

(2) Subregulation (1) does not apply to a person if:

(a) both of the following apply:

(i) at the time of making the representation, the person has entered into an agreement (however described) with someone else to provide the service;

(ii) the agreement contains a provision to the effect that the service must be provided by the holder of an RAC industry permit that entitles the holder to provide the service; or

(b) both of the following apply:

(i) at the time of making the representation, the person is an employee or contractor of the holder of a special circumstances exemption;

(ii) the representation made by the person is for an activity covered by the exemption.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

(3) A person contravenes this subregulation if:

(a) the person makes a representation that the person is the holder of a kind of RAC industry permit; and

(b) at the time of making the representation, the person is not the holder of an RAC industry permit of that kind.

(4) A person contravenes this subregulation if:

(a) the person is employed to work on an AMSA vessel; and

(b) the person makes a representation that the person holds an AMSA certificate; and

(c) at the time of making the representation, the person does not hold an AMSA certificate.

Strict liability offence

(5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

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Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subregulation (1), (3) or (4).

Civil penalty: 60 penalty units.

113B Use of HCFC manufactured or imported on or after 1 January 2020

(1) For the purposes of paragraph 45C(1)(c) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for the purpose of servicing RAC equipment.

(2) Subregulation (1) does not apply if the RAC equipment was manufactured or imported on or after 1 January 2020.

114 Refrigerant destruction facilities

(1) The Minister may, on application, give approval in writing for a person to operate a refrigerant destruction facility.

(2) An application must be in writing and must include:
(a) the name and address of the applicant; and
(b) the address of the facility; and
(c) enough information about the facility to enable the Minister to decide the application; and
(d) if the facility was the subject of a trial under regulation 115—information about the results of the trial.

(3) The Minister may approve a person to operate a facility only if the Minister is satisfied that the facility is able to operate in a way that is consistent with Australia's obligations under the Montreal Protocol.

(4) The Minister may at any time impose, or vary, conditions in writing on the approval of a person to operate a facility.

115 Trial of facility for destroying refrigerant

(1) The Minister may, on application, give approval in writing for a person to conduct a trial of a facility to determine whether the facility is able to operate in a way that is consistent with Australia's obligations under the Montreal Protocol when destroying refrigerant.

(2) An application must be in writing and must include:
(a) the name and address of the applicant; and
(b) the address of the facility; and
(c) enough information about the facility to enable the Minister to decide the application.

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(3) The Minister may at any time impose, or vary, conditions in writing on the approval of a person to conduct a trial, including conditions relating to the following:
  (a) when the trial may be conducted;
  (b) the volume of SGGs or ODSs that may be destroyed in the trial;
  (c) the reporting and monitoring requirements that must be complied with in relation to the trial.

(4) In this regulation:

ODS has the meaning given by section 65A of the Act.

Subdivision 6A.2.1A—RAC industry permits

Note: Regulation numbers 116 to 119 (inclusive) are intentionally not used.

120 Minister's powers and functions

(1) The Minister has the following powers and functions:
  (a) to receive applications for RAC industry permits;
  (b) to collect, on behalf of the Commonwealth, the fees that are payable for those applications;
  (ba) refund application fees in accordance with regulation 121B;
  (c) to grant RAC industry permits;
  (d) to collect information:
    (i) supplied by applicants for industry permits; and
    (ii) supplied in response to any request made under paragraphs 141(1)(b) and (n);
  (e) to publish the information mentioned in paragraph (d) in a way that does not:
    (i) allow any person to be identified, except as provided for in paragraph (ea); or
    (ii) disclose confidential information;
  (ea) to keep and make available to the public by electronic means a register that includes the following details for the holder of an RAC industry permit:
    (i) the name of the holder of the permit;
    (ii) the type of permit held;
    (iii) the number allocated to the permit by the relevant authority;
    (iv) except for the holder of a refrigerant handling licence—the address and phone number of the holder of the permit;
  (f) to inspect, with the occupier's permission, premises used for activities conducted under an RAC industry permit.

(2) The Minister may, in writing:
  (a) appoint 1 or more bodies that are incorporated under the *Corporations Act 2001*, as ***RAC Industry Boards***; and

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(b) specify that an appointment is subject to a condition or conditions set out in the instrument of appointment; and

(c) authorise the Board or Boards to exercise any or all of the Minister's RAC industry powers and functions in relation to:

(i) the refrigeration and air conditioning industry; or

(ii) 1 or more specified sectors of the industry.

121 Applications for RAC industry permits—general

(1) An application for an RAC industry permit must:

(a) be made to an appropriate relevant authority under regulation 121A; and

(b) be in the approved form; and

(c) be accompanied by the fee (if any) prescribed for the particular kind of permit; and

(d) be accompanied by any information or documents required by the form.

Note 1: Application fees for Part 6A are set out in Division 6A.4A.

Note 2: The Minister may approve different forms for different RAC Industry permits.

(1B) If:

(a) the applicant holds an RAC industry permit (the ***current permit***) at the time the application is made; and

(b) the current permit and the permit for which the application is made are the same type of RAC industry permit; and

(c) the application is made no later than 30 days before the current permit ceases to be in force;

then, instead of the information or documents required to accompany the form, the application may include:

(d) if there has been a change in relation to the information or documents since the application for the current permit was made—evidence of the change; or

(e) confirmation that there has been no change in relation to the information or documents since the application for the current permit was made.

(1C) Without limiting the information a relevant authority may take into account in deciding whether to grant an RAC industry permit, if subregulation (1B) applies in relation to the application for the permit, the relevant authority may take into account any information previously provided by the applicant.

(1D) The relevant authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.

(2) If an applicant has not:

(a) provided all of the information and documents required under subregulation (1); or

(b) given any consent that has been requested for the disclosure to the relevant authority of personal information that is relevant to whether the applicant is a fit and proper person to hold the permit;

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the relevant authority:

(c) may ask the applicant for the information, documents or consent; and

(d) need not consider the application until the applicant provides the information or documents or gives the consent.

(3) If the relevant authority has not made a decision about an application within 30 days after:

(a) if paragraph (b) does not apply—the application was made; or

(b) if the authority has asked the applicant for any information, documents or consent—the information, documents or consent was provided;

the authority is taken to have refused the application.

(4) An applicant may withdraw an application at any time before the relevant authority decides the application.

(5) An applicant is taken to have withdrawn an application if:

(a) the relevant authority asks the applicant for information, documents or consent; and

(b) the applicant does not provide the information, documents or consent within 120 days of the authority's request.

(6) Subject to regulation 121B, the fee for an application is not refundable if the applicant withdraws, or is taken to have withdrawn, the application.

121A Appropriate relevant authority for applications for RAC industry permits

(1) This regulation sets out the appropriate relevant authority to which to make an application for an RAC industry permit.

(2) If the Minister has appointed 1 or more RAC Industry Boards to exercise his or her RAC industry powers and functions in relation to the whole refrigeration and air conditioning industry, the appropriate relevant authority is:

(a) if 1 Board has been appointed—that Board; or

(b) if more than 1 Board has been appointed—any of those Boards.

(3) If the Minister has appointed 1 or more RAC Industry Boards to exercise his or her RAC industry powers and functions in relation to a sector of the refrigeration and air conditioning industry, the appropriate relevant authority is:

(a) if 1 Board grants the kind of permit sought by the applicant—that Board; or

(b) if more than 1 Board grants that kind of permit—any of those Boards; or

(c) if no Board grants that kind of permit—the Minister.

121B Refunding application fees

(1) The Minister may, in a circumstance specified in subregulation (3), refund the whole or part of a fee (the ***application fee***) paid by a person for an RAC industry permit other than for a special circumstances exemption.

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(2) The Minister may do so on the Minister's own initiative or on written application by the person.

(3) For the purposes of subregulation (1), the following circumstances are specified:

(a) the person has paid the application fee more than once in respect of the same permit;

(b) the person has paid more than the application fee required to be paid for the permit;

(c) all of the following apply:

(i) the person applied, and paid the application fee, for the wrong type of permit;

(ii) that application has not been decided;

(iii) the person applied, and paid the application fee, for the correct type of permit;

(d) both of the following apply:

(i) the person applied, and paid the application fee, for a renewal of the permit more than 6 months before the permit's expiry date;

(ii) the application has not been decided;

(e) the Minister is satisfied on reasonable grounds that it is appropriate in all the circumstances to refund the whole or part of the application fee paid by the person for the permit.

122 Requirement for grant of RAC industry permit

A relevant authority must not grant an RAC industry permit to a person unless the authority is satisfied that:

(a) granting the permit is not contrary to Australia's international obligations, or the Commonwealth's policies, relating to the use or disposal of scheduled substances; and

(b) the person is a fit and proper person to hold the permit.

122A Period for which RAC industry permit is in force

An RAC industry permit is in force:

(a) from the day on which it is granted, or another day specified by the relevant authority in writing; and

(b) for a period of no more than 36 months specified in writing by the authority.

123 Minister may cancel or suspend RAC industry permits

(1) The Minister may cancel or suspend an RAC industry permit if he or she is satisfied that the holder:

(a) is no longer a fit and proper person to hold the permit; or

(b) has contravened a condition to which the permit was subject; or

(c) does not have the knowledge, ability and experience necessary to competently carry out the work covered by the permit; or

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(d) for an authorisation—does not meet the requirements set out in subregulation 140(3); or

(e) for a halon special permit—does not meet the requirements set out in subregulation 150(3).

(1A) The Minister may suspend an RAC industry permit:

(a) for a fixed period; or

(b) until the Minister is satisfied on reasonable grounds that:

(i) a thing that contributes to the grounds for the suspension is remedied; and

(ii) if the thing is required to be remedied in a stated way—the thing is remedied in that way or in a way that is equally effective.

(2) The Minister cancels or suspends an RAC industry permit by giving the holder a notice:

(a) stating that the permit has been cancelled or suspended; and

(b) setting out the reasons for the cancellation or suspension; and

(c) stating:

(i) for a suspension for a fixed period—the period of the suspension; or

(ii) for a suspension mentioned in paragraph (1A)(b)—the date the suspension begins and that the permit is suspended until a stated thing is remedied.

(2A) A notice that contains a statement mentioned in subparagraph (2)(c)(ii) may also state how the thing is to be remedied.

(2B) For a permit that is suspended until a stated thing is remedied, the holder must tell the Minister in writing when, and how, the thing is remedied.

(2C) If the Minister decides that the thing is remedied:

(a) the Minister must give the holder a notice stating that the Minister is satisfied that the thing is remedied; and

(b) the suspension ends on the day after the day the holder is given the notice.

(2D) If the Minister decides that the thing is not remedied, the Minister must give the holder a notice stating that the Minister is not satisfied that the thing is remedied.

124 Reconsideration of decisions

(1) Application may be made:

(a) to a relevant authority for reconsideration of any of the following decisions of the authority:

(i) a refusal of an application for an RAC industry permit;

(ii) a decision about the period for which an RAC industry permit is in force;

(iii) a decision imposing or varying a condition on an RAC industry permit;

(iv) a decision not to vary a special circumstances exemption;

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(v) a refusal to refund the whole or part of a fee paid by a person for an RAC industry permit; or

(b) to the Minister for reconsideration of a decision of the Minister:

(i) to suspend or cancel an RAC industry permit; or

(ii) that a thing that contributes to the grounds for a suspension of a RAC industry permit is not remedied.

(2) An application for reconsideration of a decision must:

(a) be made within 21 days of the day on which the person received notice of the decision; and

(b) set out the reasons why the person wants the decision reconsidered.

(3) If the relevant authority or Minister receives an application, the authority or Minister may:

(a) confirm the decision; or

(b) vary or reverse the decision.

(4) Before making a decision under subregulation (3), the relevant authority or Minister may ask the applicant in writing to give the authority or Minister further information that the authority or Minister reasonably needs to make the decision.

(5) If the relevant authority or Minister asks for further information under subregulation (4), the period starting on the day the written request is made and ending on the day the applicant gives the information is not to be counted for subregulation (7).

(6) However, if the applicant does not give the relevant authority or Minister the information before the thirtieth day after the day the written request is made, that day and each day after that is to be counted for subregulation (7).

(7) If the relevant authority or Minister does not confirm, vary or reverse a decision within 60 days after the day the authority or Minister receives an application for reconsideration of the decision, the authority or Minister is taken to have confirmed the decision.

125 Review of decisions

Application may be made to the Administrative Review Tribunal for the review of a decision that was confirmed or varied by the relevant authority or the Minister under subregulation 124(3).

126 Permit not in force if suspended

An RAC industry permit is not in force during any period of suspension.

127 Powers of inspectors

An inspector appointed under section 49 of the Act may exercise the powers given to him or her under Part VIII of the Act, at premises used by the holder of an RAC industry permit for:

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(a) activities permitted by the permit; or
(b) storage of records relating to activities permitted by the permit.

Subdivision 6A.2.2—Refrigerant handling licences

Note: Regulation numbers 128 and 129 are intentionally not used.

130 Grant of refrigerant handling licences—document

If the relevant authority grants 1 or more licences to a person it must give the person a document setting out the details of each licence granted.

131 Refrigerant handling licences—qualified persons

(1) A relevant authority may, on application, grant to a person a licence mentioned in column 1 of an item in Table 131, entitling the person to engage in the work described in column 2 of the item.

Note 1: Regulation 121 also applies to an application.

Note 2: A person is entitled to apply for any number of licences.

(2) The relevant authority may grant the licence only if the authority is satisfied that the applicant:
(a) holds a qualification that:
(i) is mentioned for the licence in a determination made by the Minister under subregulation (3); and
(ii) is entered on the National Register (within the meaning of the *National Vocational Education and Training Regulator Act 2011*) at the time the requirements of the qualification are first satisfied by the applicant;
(b) holds a certificate (however described) granted by a registered training organisation (within the meaning of the *National Vocational Education and Training Regulator Act 2011*), certifying that:
(i) the organisation recognises that the applicant has achieved learning outcomes and competencies that are equivalent to the learning outcomes and competencies that would satisfy the requirements of a qualification mentioned for the licence in a determination made by the Minister under subregulation (3); or
(ii) the applicant has demonstrated to the organisation that the applicant has achieved learning outcomes and competencies that are equivalent to the learning outcomes and competencies that would satisfy the requirements of a qualification mentioned for the licence in a determination made by the Minister under subregulation (3); or
(c) holds a qualification that previously entitled the applicant to hold a licence of that kind; or
(d) has the knowledge, ability and experience necessary to competently carry out the work covered by the licence.

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(3) The Minister must, by legislative instrument, determine qualifications required for a licence mentioned in column 1 of an item in Table 131.

Table 131—Licences and entitlements

Item	Column 1 Licence	Column 2 Entitlement of licensee
1	Full refrigeration and air conditioning licence	To handle a refrigerant for any work in the refrigeration and air conditioning industry, other than the automotive industry
2	Automotive air conditioning licence	To handle a refrigerant for any work on air conditioning equipment fitted to the cabin of a motor vehicle
3	Restricted heat pump installation and decommissioning licence	To handle a refrigerant for the installation and decommissioning of any of the following: (a) a single-head split system air conditioner of less than 18 kW; (b) a 2-part hot water heat pump of less than 18 kW; (c) a 2-part swimming pool heat pump of less than 18 kW
4	Restricted domestic refrigeration and air conditioning appliances licence	To handle a refrigerant for either or both of the following: (a) any work on domestic refrigeration or air conditioning equipment; (b) any work on commercial stand-alone refrigeration equipment

133 Restricted refrigeration and air conditioning licence

A relevant authority may, on application, grant a restricted refrigeration and air conditioning licence to a person, entitling the person to carry out specified work in relation to RAC equipment, if the authority is satisfied that the person:

(a) can competently carry out the work; and

(b) does not meet the conditions for the grant of a licence under regulation 131 that would entitle the person to carry out the work.

134 Refrigeration and air conditioning trainee licence

(1) A relevant authority may, on application, grant a refrigeration and air conditioning trainee licence to:

(a) a person who is undertaking a course leading to a qualification determined by the Minister under subregulation 131(3); or

(b) a person who is recognised by the relevant authority as seeking assessment that, if successful, would lead to the granting of a certificate mentioned in regulation 131(2)(b); or

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(c) a person who is recognised by the relevant authority as undertaking training or seeking assessment that, if successful, would lead to the granting of a licence under paragraph 131(2)(d); or

(d) a person who is undertaking training or assessment that the relevant authority is satisfied is designed to qualify the person for a licence under regulation 133.

(2) A licensee is entitled to handle refrigerant while undertaking the training or assessment for which the licence was granted while under the supervision of the holder of a licence that entitles the holder to engage in the work for which the licensee is being trained or assessed.

135 Licence conditions

(1) A licence granted under this Subdivision is subject to the condition that the licensee:

(a) carries out the work to which the licence relates in accordance with any standard determined by the Minister under subregulation (5) that relates to the work; and

(aa) for licensees that are supervising a refrigeration and air conditioning trainee licensee—ensures that any work carried out by the trainee licensee is in accordance with the standard determined by the Minister under subregulation (5) that relates to the work; and

(b) uses only refillable containers for the storage of refrigerant; and

(ba) does not engage in prohibited refrigerant charging; and

(c) gives any refrigerant recovered from RAC equipment to:

(i) except for recovered halon—the holder of a refrigerant trading authorisation; or

(ii) the operator of a refrigerant destruction facility; and

(e) for the holder of a refrigerant handling licence who is not employed or hired by the holder of a refrigerant trading authorisation—includes the number allocated to the licence by the relevant authority on any invoices, receipts and quotes for work carried out under the licence.

(2) The relevant authority may specify that a licence is subject to a condition and must set out the condition on:

(a) the licence document; or

(b) a written notice given by the authority to the licensee.

(3) The authority may impose a condition on a licence at any time.

(4) A licensee must not contravene a condition of his or her licence.

(5) The Minister may, by legislative instrument, determine standards that apply in relation to work carried out under a licence granted under this Subdivision.

136 Contravention of licence condition

(1) A person contravenes this subregulation if:

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(a) the person holds a licence granted under this Subdivision; and
(b) the person contravenes a condition of the licence.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Subdivision 6A.2.3—Refrigerant authorisations

140 Grant of authorisations

(1) A relevant authority may, on application:
(a) grant a refrigerant trading authorisation to a person, permitting the person to acquire, store or dispose of a refrigerant other than halon; or
(b) grant an RAC equipment manufacturing authorisation to a corporation, permitting the corporation to acquire refrigerant other than halon for use in the manufacture of RAC equipment; or
(c) grant a restricted refrigerant trading authorisation to a person, permitting the person to:
(i) recover refrigerant from RAC equipment; and
(ii) store the refrigerant; and
(iii) dispose of the refrigerant by causing it to be given to the operator of a refrigerant destruction facility.

Note: Regulation 121 also applies to an application.

(3) The authority must not grant an authorisation unless it is satisfied that:
(a) the applicant has business premises that are equipped and operating so as to be able to handle, and prevent avoidable emissions of, a refrigerant; and
(b) if the application is for a refrigerant trading authorisation—the applicant is able to ensure that a refrigerant is handled only by:
(i) the holder of an appropriate licence granted under regulation 131, 133 or 134; or
(ii) if the refrigerant is handled on board an AMSA vessel—the holder of an AMSA certificate or the holder of an appropriate licence granted under regulation 131, 133 or 134; and
(c) if the application is for an RAC equipment manufacturing authorisation—the applicant is able to ensure that, at all times, persons engaged in a phase of manufacture that could result in the emission of a refrigerant are

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supervised by the holder of an appropriate licence granted under regulation 131 or 133; and

(d) if the application is for a restricted refrigerant trading authorisation—the applicant is able to ensure that, at all times, persons engaged in removing refrigerant from RAC equipment hold a licence granted under regulation 131, 133 or 134 that entitles the holder to remove refrigerant from RAC equipment.

Note: An applicant who conducts business from a vehicle is eligible for an authorisation under paragraph (3)(a): see definition of ***premises*** in subsection 7(1) of the Act.

(5) If the authority grants an authorisation to a person, it must give the person a document setting out the details of the authorisation.

141 Conditions on authorisations

(1) Subject to subregulations (1A) and (1B), an authorisation granted under this Subdivision is subject to the conditions that the holder:

(a) keeps up-to-date records showing the amounts, if any, of refrigerant bought, recovered, sold and otherwise disposed of during each quarter; and

(b) 14 days or less after receiving a request in writing by the relevant authority, sends to the authority copies of the records mentioned in paragraph (a); and

(ba) does not engage in prohibited refrigerant charging; and

(c) ensures that each item of the holder's equipment that is necessary to prevent avoidable emissions of refrigerant is operating correctly; and

(d) has, and maintains, equipment that is adequate for the holder's activities, including 1 or more of each of the following:

(i) leak detectors;

(ii) vacuum pumps;

(iii) recovery units; and

(e) at least every quarter, checks any refrigerant container in the holder's possession for leaks; and

(f) puts into effect a risk management plan relating to the handling and storage of refrigerant in the holder's business; and

(g) ensures that any refrigerant in the holder's possession is handled in accordance with each applicable standard set out in Table 135; and

(h) for an RAC equipment manufacturing authorisation—ensures that any refrigerant in its possession is handled only:

(i) by the holder of an appropriate licence granted under regulation 131, 133 or 134; or

(ii) under the supervision of the holder of an appropriate licence granted under regulation 131 or 133; and

(i) for a refrigerant trading authorisation—ensures that any refrigerant in the holder's possession is handled only by:

(i) the holder of an appropriate licence granted under regulation 131, 133 or 134; or

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(ii) if the refrigerant is handled on board an AMSA vessel—the holder of an AMSA certificate or the holder of an appropriate licence granted under regulation 131, 133 or 134; and

(j) ensures that destruction of any refrigerant is carried out only by the operator of a refrigerant destruction facility; and

(k) uses only refillable containers for storage of refrigerant; and

(l) for a restricted refrigerant trading authorisation—ensures that any refrigerant in the holder's possession is handled only by the holder of a licence granted under regulation 131, 133 or 134 that entitles the holder to handle the refrigerant in the way in which it is being handled; and

(m) keeps records for each quarter that set out the following:

(i) details of any checks, any maintenance and any other action undertaken for paragraphs (c), (d) and (e);

(ii) for each licensee who handles refrigerant that is in the possession of the holder—the licensee's name and the number allocated to the licensee's licence by the relevant authority;

(iii) the dates on which cylinders for the storage and transport of compressed gases were tested for paragraph (g); and

(n) if requested by written notice from the relevant authority, sends to the authority, no more than 14 days after receiving the request, a copy of a report that contains the records for the previous quarter; and

(o) for a refrigerant trading authorisation or a restricted refrigerant trading authorisation—includes the number allocated to the authorisation by the relevant authority on:

(i) any advertising placed after 1 July 2009 for services the provision of which would not be permitted without the authorisation; and

(ii) any invoices, receipts and quotes for work carried out under the authorisation.

(1A) The relevant authority may, on application, determine that a condition mentioned in subregulation (1) does not apply to the authorisation.

(1B) A determination has effect according to its terms.

(2) It is also a condition of a refrigerant trading authorisation that the holder accepts any surrendered refrigerant or scheduled substance that appears to be intended for use in RAC equipment.

(3) The relevant authority may specify that an authorisation is subject to a condition and must set out the condition on:

(a) the authorisation document; or

(b) a written notice given by the authority to the holder.

(4) A notice for paragraph (3)(b) may be given at any time.

142 Contravention of condition on authorisation

(1) A person contravenes this subregulation if:

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(a) the person holds an authorisation granted under this Subdivision; and
(b) the person contravenes a condition of the authorisation.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Subdivision 6A.2.4—Halon special permit

Note: Regulation numbers 144 to 149 (inclusive) are intentionally not used.

150 Halon special permit

(1) The Minister may, on application, grant a written permit (a ***halon special permit***) to a person, entitling the person to possess halon that is, or is to be, used in RAC equipment.

Note: Regulation 121 also applies to an application.

(3) The Minister may grant a halon special permit to a person only if the Minister is satisfied that:
(a) the applicant, because of his or her training and experience, is able to competently carry out the activities covered by the permit; and
(b) the applicant's use of the halon is for a purpose that is necessary to protect human life or operate equipment that is critical to the community; and
(c) there is no alternative to the halon's use that is:
(i) practicable; and
(ii) available at a reasonable cost; and
(iii) safe; and
(iv) likely to result in less damage to the environment.

(4) The Minister may impose a condition on a halon special permit.

Example 1: A condition about the purpose for which the halon is to be used.

Example 2: A condition about the people who are allowed to deal with the halon when it is in the permit-holder's possession.

(5) A person contravenes this subregulation if:
(a) the person holds a halon special permit; and
(b) the person contravenes a condition of the permit.

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Strict liability offence

(6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

Civil penalty provision

(7) A person is liable to a civil penalty if the person contravenes subregulation (5).

Civil penalty: 60 penalty units.

Subdivision 6A.2.5—Special circumstances exemptions

151 Application for special circumstances exemption

(1) A relevant authority may, on application, grant a written exemption (a ***special circumstances exemption***), entitling the person to the privileges of the holder of one or more of the following:

(a) a refrigerant handling licence;
(b) a refrigerant trading authorisation;
(c) an RAC equipment manufacturing authorisation;
(d) a halon special permit;

as specified in the exemption.

Note: Regulation 121 also applies to an application.

(2) The authority may grant the exemption only if the authority is satisfied that:

(a) either:
(i) special circumstances exist that justify the grant of the exemption; or
(ii) the activities proposed to be covered by the exemption are to be undertaken by the Australian Defence Force or a military of a foreign country acting in cooperation with the Australian Defence Force; and
(b) it is inappropriate or impracticable for the applicant to obtain the required licences, authorisations or permits related to the activities to which the application relates; and
(c) if the application relates to an exemption from holding a refrigerant trading authorisation or an RAC equipment manufacturing authorisation—the applicant has business premises that are equipped and operating so as to be able to handle, and prevent avoidable emissions of, a refrigerant; and
(d) if the applicant is an individual—the individual has suitable qualifications or experience to competently carry out the activities to be covered by the exemption; and
(e) if the applicant is a person other than an individual—the person has:
(i) suitably qualified or experienced employees or contractors to competently carry out the activities to be covered by the exemption; and

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(ii) suitable equipment to carry out the activities to be covered by the exemption.

(3) If the authority decides to grant the exemption, the exemption must:
(a) be in writing; and
(b) specify the following:
(i) the activities that are covered by the exemption;
(ii) the licences, authorisations or permits in relation to which the exemption is being granted;
(iii) the period for which the exemption is in force;
(iv) if any conditions are imposed on the exemption under regulation 152—the conditions;
(v) if the exemption is granted to a person other than an individual—the relevant qualifications or experience that an employee or contractor of the person must have to carry out the activities covered by the exemption.

Note: Regulation 122A deals with the maximum period that a special circumstances exemption can be in force.

(4) If the authority decides to grant the exemption, it must, as soon as practicable, give the applicant a copy of the exemption.

152 Conditions on special circumstances exemption

(1) The relevant authority may impose any conditions it considers reasonably necessary to manage the risks posed by the activities covered by a special circumstances exemption.

(2) If a special circumstances exemption is granted to a person other than an individual, the exemption must include the condition that only a person with relevant qualifications or experience specified in the exemption is to carry out the activities to which the exemption applies.

153 Application by holder to vary special circumstances exemption

(1) A special circumstances exemption holder may apply to a relevant authority to vary the exemption.

(2) The application for the variation must:
(a) be made in the approved form; and
(b) be accompanied by any information or documents required by the form; and
(c) be accompanied by the prescribed fee (if any).

Note: Application fees for Part 6A are set out in Division 6A.4A.

(3) The authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.

(4) An applicant is taken to have withdrawn the application if:

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(a) the authority asks the applicant for information or documents in accordance with subregulation (3); and

(b) the applicant does not provide the information or documents within 60 days of the authority's request.

(5) If the authority decides to grant the application, it must, as soon as practicable, give the applicant a copy of the varied special circumstances exemption.

154 Relevant authority may impose additional conditions or vary or remove existing conditions

Imposition of additional conditions

(1) A relevant authority may, at any time, impose additional conditions to which a special circumstances exemption is subject if the authority considers the conditions to be reasonably necessary to manage the risks posed by the activities covered by the exemption.

(2) If the authority imposes conditions under subregulation (1):

(a) the authority must, by written notice to the holder of the exemption, notify the holder of the conditions; and

(b) the conditions take effect:

(i) at the end of 60 days after the giving of the notice; or

(ii) if the authority considers that it is necessary for the conditions to take effect earlier—at the end of a shorter period specified in the notice.

Varying or removing conditions

(3) A relevant authority may, by written notice to the holder of a special circumstances exemption, vary or remove conditions imposed under subregulation 152(1) or subregulation (1) of this regulation in relation to the exemption.

(4) A variation under subregulation (3) takes effect:

(a) at the end of 60 days after the giving of the notice under that subregulation; or

(b) if the authority considers that it is necessary for the variation to take effect earlier—at the end of a shorter period specified in the notice given under that subregulation.

155 Contravening conditions of special circumstances exemption

(1) A person contravenes this subregulation if:

(a) the person is the holder of a special circumstances exemption granted under regulation 151; and

(b) the exemption is subject to a condition to be complied with by the person; and

(c) the person does an act or omits to perform an act; and

(d) the act or omission contravenes the condition.

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Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Note: Regulation numbers 156 to 199 (inclusive) are reserved for future use.

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Division 6A.3—Methyl bromide

Subdivision 6A.3.1—Preliminary

200 Definitions for Division 6A.3

In this Division:

allocated amount, for a year, for a non-QPS permit holder: see paragraph 235(4)(c).

emergency permit means a non-QPS permit granted in accordance with paragraph 235(2)(b).

feedstock permit means a permit granted under regulation 242.

laboratory and analytical uses, of methyl bromide, means uses of methyl bromide that are:

(a) exempt from a provision of the Montreal Protocol, under any decision made by the parties to the Montreal Protocol that applies to Australia, by virtue of being laboratory and analytical uses; and

(b) in compliance with the conditions of any such decision.

nominated feedstock supplier, for the holder of a feedstock permit: see subparagraph 242(2)(b)(iv).

nominated non-QPS supplier, for a non-QPS permit holder: see paragraph 235(4)(b).

non-QPS permit means a permit granted under subregulation 235(1).

non-QPS permit holder, for a year, means a person to whom a permit for non-QPS use of methyl bromide for the year is granted under regulation 235.

non-QPS use, of methyl bromide: see subregulation 201(3).

QPS use, of methyl bromide: see subregulation 201(2).

Note: QPS is short for quarantine and pre-shipment.

year means a calendar year.

201 Uses of methyl bromide

(1) The uses of methyl bromide are as follows:

(a) for QPS uses;

(b) for non-QPS uses;

(c) as a feedstock;

(d) for laboratory and analytical uses.

Note: Section 7 of the Act defines feedstock as an intermediate substance which is used to manufacture other chemicals.

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(2) Methyl bromide is used for a ***QPS use*** if:

(a) it is applied by, or with the authorisation of, a Commonwealth, State or Territory authority to prevent the introduction, establishment or spread of a pest or disease in Australia, a State or a Territory; or

(b) it is applied to a commodity, before it is exported, to meet the requirements of the importing country or a law of the Commonwealth.

(3) Methyl bromide is used for a ***non-QPS use*** if it is used other than for any of the following:

(a) for a QPS use;

(b) as a feedstock;

(c) for laboratory and analytical uses.

Subdivision 6A.3.2—Restrictions on the use and sale of methyl bromide

Note: Regulation numbers 203 to 211 (inclusive) are intentionally not used.

212 Using methyl bromide for non-QPS uses

(1) A person who uses methyl bromide for a non-QPS use during a year contravenes this subregulation if the person is not:

(a) a non-QPS permit holder for the year; or

(b) acting on behalf of a non-QPS permit holder for the year.

(2) A non-QPS permit holder for a year contravenes this subregulation if, during the year:

(a) the amount of methyl bromide that the permit holder uses, or that is used on the permit holder's behalf, for non-QPS uses is more than the permit holder's allocated amount for the year; or

(b) the permit holder, or another person on the permit holder's behalf, otherwise contravenes a condition of the permit.

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1) or (2).

Civil penalty: 60 penalty units.

213 Supplying methyl bromide for non-QPS uses

(1) A person (the ***supplier***), other than a licensee covered by subregulation (6), contravenes this subregulation if:

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(a) the supplier sells methyl bromide to a buyer during a year; and
(b) the buyer states, in a declaration for paragraph 220(1)(e), that the methyl bromide is for a non-QPS use; and
(c) subregulation (2), (3) or (4) of this regulation is not satisfied in relation to the sale.

(2) The buyer must:
(a) hold a non-QPS permit for the year, or be acting on behalf of such a permit holder; or
(b) be a nominated non-QPS supplier for a non-QPS permit holder for the year.

(3) If the buyer holds a non-QPS permit for the year, or is acting on behalf of such a permit holder:
(a) the supplier must be a nominated non-QPS supplier for the permit holder; and
(b) the supplier must ensure that the total amount of methyl bromide sold during the year by the supplier to the permit holder for non-QPS uses is equal to, or less than, the permit holder's allocated amount for the year.

(4) If the buyer is a nominated non-QPS supplier for a non-QPS permit holder for the year, the supplier mentioned in subregulation (1) (the ***first supplier***) must ensure that the total amount of methyl bromide sold during the year by the first supplier to the buyer for non-QPS uses is equal to, or less than, the total of the allocated amounts for the year for all non-QPS permit holders in relation to whom the buyer is a nominated non-QPS supplier.

(5) To avoid doubt, if a buyer is a non-QPS permit holder for a year and also a nominated non-QPS supplier for any other such permit holder, the amount of methyl bromide that the first supplier may sell to the buyer during the year for non-QPS uses is equal to, or less than, the sum of the total amounts mentioned in subregulations (3) and (4).

(6) A licensee is covered by this subregulation if:
(a) the licensee holds a controlled substances licence; and
(b) the licence allows the licensee to import methyl bromide; and
(c) the licence is subject to a condition to the effect that methyl bromide imported for non-QPS uses may only be supplied to a person, or persons, specified in the licence.

Note: A licensee must not contravene a condition of the licence—see section 18 of the Act.

Strict liability offence

(7) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(8) A person is liable to a civil penalty if the person contravenes subregulation (1).

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Civil penalty: 60 penalty units.

214 Using methyl bromide as a feedstock

(1) A person who uses methyl bromide as a feedstock during a year contravenes this subregulation if the person is not:
  (a) the holder of a feedstock permit for which that year is a permit year within the meaning of Subdivision 6A.3.5; or
  (b) acting on behalf of the holder of such a feedstock permit.

(2) The holder of a feedstock permit for a permit year, within the meaning of Subdivision 6A.3.5, contravenes this subregulation if, during the permit year:
  (a) the amount of methyl bromide that the permit holder uses, or that is used on the permit holder's behalf, as a feedstock is more than the amount permitted by the permit to be so used; or
  (b) the permit holder, or another person on the permit holder's behalf, otherwise contravenes a condition of the permit.

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1) or (2).

Civil penalty: 60 penalty units.

215 Supplying methyl bromide for use as a feedstock

(1) A person (the ***supplier***), other than a licensee covered by subregulation (3), contravenes this subregulation if:
  (a) the supplier sells methyl bromide to a buyer during a year; and
  (b) the buyer states, in a declaration for paragraph 220(1)(e), that the methyl bromide is for use as a feedstock; and
  (c) a requirement covered by subregulation (2) is not satisfied in relation to the sale.

(2) This subregulation covers the following requirements:
  (a) the buyer must hold a feedstock permit for the year, or be acting on behalf of such a permit holder;
  (b) the supplier must:
    (i) be a nominated feedstock supplier for the permit holder; and
    (ii) ensure that the total amount of methyl bromide sold during the year by the supplier to the permit holder for use as a feedstock is equal to

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or less than the amount that the permit holder is permitted, under the permit, to buy during the year.

(3) A licensee is covered by this subregulation if:
  (a) the licensee holds a controlled substances licence; and
  (b) the licence allows the licensee to import methyl bromide; and
  (c) the licence is subject to a condition to the effect that methyl bromide imported for use as a feedstock may only be supplied to a person, or persons, specified in the licence.

Note: A licensee must not contravene a condition of the licence—see section 18 of the Act.

Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(5) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Subdivision 6A.3.2A—Discharge of methyl bromide

216 Discharge of methyl bromide (Act s 45B)

For the purposes of paragraph 45B(1)(d) of the Act, a person may discharge methyl bromide if:
  (a) the discharge occurs while it is being used for a QPS use; or
  (b) the discharge occurs:
    (i) during a year for which the person is a non-QPS permit holder; and
    (ii) while the permit holder's allocated amount of methyl bromide for the year is being used for a non-QPS use by the permit holder, or someone else acting on behalf of the permit holder, in accordance with the permit; or
  (c) the discharge results from the use of the methyl bromide for laboratory and analytical uses; or
  (d) the person is the holder of a feedstock permit.

Subdivision 6A.3.3—Record keeping requirements

Note: Regulation numbers 217 to 219 (inclusive) are intentionally not used.

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220 Records of sale

(1) A person (the ***supplier***) who sells methyl bromide to another person (the ***buyer***) must keep a record of the sale, in an approved form and signed by the supplier, that contains the following:

(a) the name and ABN (if any) of the supplier;

(b) the name, address, telephone number and ABN (if any) of the buyer;

(c) the date of sale;

(d) the amount of methyl bromide sold;

(e) a declaration, signed by the buyer, stating the following in relation to the amount of methyl bromide sold:

(i) how much is to be used for non-QPS uses;

(ii) how much is to be used for QPS uses;

(iii) how much is to be used as a feedstock;

(iv) how much is to be used for laboratory and analytical uses.

(2) The supplier must retain the record of sale for 5 years from the date of the sale.

(4) The supplier must give the Minister a copy of a record retained under subregulation (2) within 14 days after receiving a request in writing from the Minister for a copy of the record.

Strict liability offence

(5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subregulation (1), (2) or (4).

Civil penalty: 60 penalty units.

221 Records of use—QPS and non-QPS uses

(1) A person who uses methyl bromide for a QPS or non-QPS use must keep a record, in an approved form and signed by the person, of the information mentioned in subregulation (2).

(2) For subregulation (1), the following information must be recorded in relation to each occasion on which methyl bromide is used (each ***fumigation***) by the person for a QPS or non-QPS use:

(a) the name and address of the person;

(b) the date of the fumigation;

(c) the amount of methyl bromide used;

(d) if the fumigation is a non-QPS use:

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(i) the kind of produce for which, or to which, the methyl bromide is applied; and
(ii) the dosage rate at which the methyl bromide is applied; and
(iii) the methyl bromide/chloropicrin ratio used; and
(iv) information relating to the size of the area fumigated, the volume of the space fumigated or the amount of produce for which, or to which, the methyl bromide is applied; and
(v) if the person is a contractor—the name and address of the non-QPS permit holder for whom the fumigation was carried out;

(e) if the fumigation is a QPS use:
(i) the kind of QPS use; and
(ii) the commodity or pest fumigated; and
(iii) any reference number issued to the person by a Commonwealth, State or Territory authority in relation to the fumigation.

Note: A non-QPS permit holder must also comply with any record keeping requirements that are a condition of the non-QPS permit: see paragraph 212(2)(b).

(3) A record of the information mentioned in subregulation (2) must be retained for 5 years from the date of the fumigation to which the record relates.

(5) The person must give the Minister a copy of a record retained under subregulation (3) within 14 days after receiving a request in writing from the Minister for a copy of the record.

Strict liability offence

(6) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (5).

Penalty: 50 penalty units.

Civil penalty provision

(7) A person is liable to a civil penalty if the person contravenes subregulation (1), (3) or (5).

Civil penalty: 60 penalty units.

223 Records of use—feedstock

(1) A person who uses methyl bromide as a feedstock must keep a record of the following information in relation to each day on which the person uses methyl bromide as a feedstock:
(a) the date;
(b) the amount of methyl bromide used by the person as a feedstock on the day;
(c) the type and amount of chemical or chemicals that the methyl bromide was used to manufacture;
(d) what, if any, measures were taken to minimise methyl bromide emissions.

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(2) The person must retain the record for 5 years from the day to which the record relates.

(4) The person must give the Minister a copy of a record retained under subregulation (2) within 14 days after receiving a request in writing from the Minister for a copy of the record.

Strict liability offence

(5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subregulation (1), (2) or (4).

Civil penalty: 60 penalty units.

Subdivision 6A.3.4—Reporting requirements

Note: Regulation numbers 224 to 229 (inclusive) are intentionally not used.

230 Reports to be given by suppliers

(1) A person (the ***supplier***) who sells methyl bromide during a reporting period must, within 14 days after the end of the period, give the Minister a report that sets out:

(a) the name and ABN (if any) of the supplier; and

(b) in relation to each sale of methyl bromide made by the supplier in the period:

(i) the date of sale; and

(ii) the name and ABN (if any) of the buyer; and

(iii) the amount of methyl bromide sold; and

(iv) from the declaration made by the buyer for paragraph 220(1)(e)—how much of the methyl bromide was declared for QPS uses, for non-QPS uses, for use as a feedstock and for laboratory and analytical uses.

Note 1: A ***reporting period*** is a period of 6 months starting on 1 January or 1 July—see section 7 of the Act.

Note 2: It is an offence to give false or misleading information to a Commonwealth entity—see section 137.1 of the *Criminal Code*.

(1A) Subregulation (1) does not apply to a sale of methyl bromide if the whole amount of methyl bromide sold is declared by the buyer for the purposes of paragraph 220(1)(e) to be for QPS uses.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

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(1B) Without limiting subregulation (1), the supplier may comply with that subregulation by giving separate reports in relation to each half of the reporting period.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

231 Reports of use under non-QPS permits (other than emergency permits)

(1) A person who is granted a non-QPS permit for a year (other than an emergency permit) must, within 14 days after the end of a reporting period in the year, give the Minister a report for the period that:

(a) is in an approved form; and

(b) sets out the information mentioned in subregulation (2); and

(c) is signed by the non-QPS permit holder and by any contractor who carried out a fumigation to which the report relates.

Note 1: A ***reporting period*** is a period of 6 months starting on 1 January or 1 July—see section 7 of the Act.

Note 2: It is an offence to give false or misleading information to a Commonwealth entity—see section 137.1 of the *Criminal Code*.

(2) For paragraph (1)(b), the information is:

(a) the name, address and ABN (if any) of the permit holder; and

(b) in relation to each occasion during the reporting period on which methyl bromide is used (each ***fumigation***) by, or on behalf of, the permit holder for a non-QPS use in accordance with the permit:

(i) the date of the fumigation; and

(ii) the amount of methyl bromide used; and

(iii) the kind of produce for which, or to which, the methyl bromide was applied; and

(iv) the methyl bromide/chloropicrin ratio used; and

(v) the dosage rate at which the methyl bromide was applied; and

(vi) information relating to the size of the area fumigated, the volume of the space fumigated or the amount of produce for which, or to which, the methyl bromide is applied; and

(vii) if the fumigation was carried out by a contractor—the name, address, telephone number and ABN (if any) of the contractor; and

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(ba) in relation to any occasion on which methyl bromide is used for a laboratory and analytical use—the nature of the use and the amount used; and

(c) if no methyl bromide was used under the permit for non-QPS uses in the reporting period—a statement to that effect.

Note: A non-QPS permit holder must also comply with any reporting requirements that are a condition of the non-QPS permit (see paragraph 212(2)(b)).

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

232 Reports of use in emergency situations

(1) A person who is granted an emergency permit must, within 14 days after the time applicable under subregulation (1A), give the Minister a report relating to the use of methyl bromide under the emergency permit that:

(a) is in an approved form; and

(b) sets out the information mentioned in subregulation (2); and

(c) is signed by the permit holder and by any contractor who carried out a fumigation under the emergency permit.

Note: A person may commit an offence if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code*).

(1A) The time is the earlier of the following:

(a) the end of period specified in the permit during which methyl bromide may be used under the permit;

(b) the time of the use of methyl bromide that exhausts the amount of methyl bromide that may be used under the permit.

(2) For the purposes of paragraph (1)(b), the information is:

(a) the name, address and ABN (if any) of the permit holder; and

(b) in relation to each occasion on which methyl bromide is used (the ***emergency fumigation***) by, or on behalf of, the permit holder in accordance with the emergency permit:

(i) the date of the emergency fumigation; and

(ii) the amount of methyl bromide used; and

(iii) the kind of produce for which, or to which, the methyl bromide was applied; and

(iv) the application rate at which the methyl bromide was applied; and

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(v) information relating to the size of the area fumigated, the volume of the space fumigated or the amount of produce for which, or to which, the methyl bromide is applied; and

(vi) if the emergency fumigation was carried out by a contractor—the name, address, telephone number and ABN (if any) of the contractor.

Note: An emergency permit holder must also comply with any reporting requirements that are a condition of the emergency permit: see paragraph 212(2)(b).

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

233 Reports to be given by holders of feedstock permits

(1) A person who is the holder of a feedstock permit during a year must, within 21 days after the end of the year, give the Minister a report that sets out:

(a) the amount of methyl bromide used by, or on behalf of, the person as a feedstock in the year; and

(b) what chemical, or chemicals, the methyl bromide was used to manufacture; and

(c) if no methyl bromide was used by, or on behalf of, the person as a feedstock in the year, a statement to that effect.

Note: It is an offence to give false or misleading information to a Commonwealth entity—see section 137.1 of the *Criminal Code*.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

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Subdivision 6A.3.4A—Non-QPS permits

234 Applications for non-QPS permits

(1) A person may apply, in writing, for a permit to use methyl bromide for non-QPS uses for a particular year.

Note: A year is a calendar year: see regulation 200.

(2) An application for a permit for a year must:
(a) be made to the Minister:
(i) no later than 18 months before the start of the year; or
(ii) if allowed by the Minister—within a shorter period before the start of the year, or at any time after the start of the year; and
(b) be made in an approved form; and
(c) be signed by the applicant.

(3) The Minister:
(a) may ask the applicant for any further information in relation to the application the Minister considers reasonably necessary; and
(b) need not consider, or further consider, the application until such information is provided.

235 Grant of non-QPS permits

(1) On application under regulation 234, the Minister must, before or after the start of the year for which the application is made:
(a) grant a non-QPS permit to the applicant for that year; or
(b) refuse to grant a non-QPS permit to the applicant.

(2) The Minister may grant a non-QPS permit to the applicant only if:
(a) both:
(i) the Minister has consulted the parties to the Montreal Protocol; and
(ii) having regard to any advice received as a result of such consultation, the Minister is satisfied that it is appropriate to grant the permit; or
(b) the Minister is satisfied that:
(i) an emergency situation exists; and
(ii) it is appropriate to grant the permit to deal with the emergency situation.

(3) The Minister must not grant a non-QPS permit to the applicant if the Minister is satisfied that the grant of the permit would be inconsistent with Australia's international obligations under the Montreal Protocol.

(3A) A non-QPS permit granted in accordance with paragraph (2)(b) must not permit the use of more than 20 tonnes of methyl bromide to deal with the emergency covered by the permit.

(4) A non-QPS permit must set out the following in writing:

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(a) the year for which it is granted;
(b) each supplier of methyl bromide covered by the permit as a ***nominated non-QPS supplier*** for the permit holder;
(c) the amount of methyl bromide (the ***allocated amount***) allocated to the permit holder for non-QPS uses;
(d) details of the applicable conditions under subregulation (5).

(5) A non-QPS permit is granted for a year subject to the following conditions:
(a) no more than the allocated amount of methyl bromide may be used in the year by or on behalf of the permit holder for non-QPS uses;
(b) methyl bromide may be used by or on behalf of the permit holder for a non-QPS use only if:
(i) the use is specified in the permit; and
(ii) the methyl bromide is used at the geographical location specified in the permit;
(c) any other conditions relating to the non-QPS use of methyl bromide, specified in the permit, that the Minister considers to be appropriate.

(6) A non-QPS permit is in force:
(a) from the later of:
(i) 1 January in the year for which it is granted; and
(ii) the day on which it is granted; and
(b) until the end of that year.

(7) If the Minister grants a non-QPS permit to the applicant, the Minister must give a copy of the permit to the applicant.

(7A) If the Minister grants a non-QPS permit in accordance with paragraph (2)(b), the Minister must, as soon as practicable after the methyl bromide has been used to deal with the emergency situation for which the permit was granted, notify the parties to the Montreal Protocol of the following:
(a) the amount of methyl bromide used;
(b) the purpose for which the methyl bromide was used;
(c) the kind of produce for which, or to which, the methyl bromide was applied;
(d) details of the emergency situation that required the use of methyl bromide;
(e) the reasons why alternative treatments were not suitable to deal with the emergency situation.

(8) If the Minister refuses to grant a non-QPS permit to the applicant, the Minister must give the applicant notice in writing of the refusal, including a statement of:
(a) the reasons for the refusal; and
(b) the effect of regulation 238 (non-QPS permits—review of decisions).

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236 Variation of non-QPS permits

Changes in relation to nominated non-QPS suppliers

(1) A non-QPS permit holder may apply for the variation of the permit:
  (a) to cover one or more new nominated non-QPS suppliers; or
  (b) to remove coverage of one or more nominated non-QPS suppliers; or
  (c) to change, remove or include details of a nominated non-QPS supplier covered by the permit.

(2) The application must:
  (a) be made in an approved form; and
  (b) be signed by the permit holder; and
  (c) be given to the Minister.

(3) The Minister:
  (a) may ask the applicant for any further information in relation to the application the Minister considers reasonably necessary; and
  (b) need not consider, or further consider, the application until such information is provided.

(4) On application under this regulation, the Minister must, by notice in writing to the applicant:
  (a) vary the permit in accordance with the application, with effect from a date specified in the notice; or
  (b) refuse to vary the permit.

(5) If the Minister refuses to vary the permit, or varies the permit with effect from a date other than that applied for, the notice under subregulation (4) must include a statement of:
  (a) the reasons for the decision; and
  (b) the effect of regulation 238 (non-QPS permits—review of decisions).

Variations initiated by the Minister

(6) The Minister may, by notice in writing to a non-QPS permit holder, vary the permit with effect from a date specified in the notice:
  (a) in any of the ways mentioned in subregulation (1) in relation to one or more nominated non-QPS suppliers; or
  (b) to change the permit holder's allocated amount; or
  (c) to change, include or remove a condition under paragraph 235(5)(b) or (c).

(7) The notice under subregulation (6) must include a statement of:
  (a) the reasons for the decision; and
  (b) the effect of regulation 238 (non-QPS permits—review of decisions).

Criteria for variation

(8) The Minister may vary a non-QPS permit under this regulation only if:

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(a) the Minister considers it appropriate in the circumstances; and
(b) the variation would not be inconsistent with Australia's obligations under the Montreal Protocol.

237 Transfer of non-QPS permits

(1A) This regulation does not apply in relation to a non-QPS permit granted in accordance with paragraph 235(2)(b).

(1) A non-QPS permit holder and another person (the ***transferee***) may jointly apply to transfer the permit to the transferee.

(2) The application must:
(a) be in the approved form; and
(b) be signed by both applicants; and
(c) be given to the Minister.

(3) The Minister:
(a) may ask either or both applicants for any further information in relation to the application the Minister considers reasonably necessary; and
(b) need not consider, or further consider, the application until such information is provided.

(4) On application under this regulation, the Minister must, by notice in writing to each applicant:
(a) transfer the permit to the transferee with effect from a date specified in the notice; or
(b) refuse to transfer the permit.

(5) The Minister may transfer the permit under this regulation only if:
(a) the Minister considers it appropriate in the circumstances; and
(b) the transfer would not be inconsistent with Australia's obligations under the Montreal Protocol.

(6) If the Minister transfers the permit, the Minister must give a copy of the permit to the transferee with the notice under subregulation (4).

(7) If the Minister refuses to transfer the permit, or transfers the permit with effect from a date other than that applied for, the notice under subregulation (4) must include a statement of:
(a) the reasons for the decision; and
(b) the effect of regulation 238 (non-QPS permits—review of decisions).

(8) If the Minister transfers the permit, the transferee is taken to be the permit holder on and after the date the transfer takes effect.

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238 Non-QPS permits—review of decisions

Applications may be made to the Administrative Review Tribunal for review of any of the following decisions of the Minister:

(a) under regulation 235 (grant of non-QPS permits):
  (i) to refuse to grant a non-QPS permit; or
  (ii) to refuse to grant a non-QPS permit covering a particular person as a nominated non-QPS supplier; or
  (iii) to provide for a particular amount of methyl bromide as an allocated amount for a non-QPS permit holder; or
  (iv) to grant a non-QPS permit subject to particular conditions;
(b) under regulation 236 (variation of non-QPS permits):
  (i) to refuse to vary a non-QPS permit under paragraph 236(4)(b) (on application); or
  (ii) to vary a non-QPS permit under paragraph 236(4)(a) (on application) with effect from a date other than that applied for; or
  (iii) to vary a non-QPS permit under subregulation 236(6);
(c) under regulation 237 (transfer of non-QPS permits):
  (i) to refuse to transfer a non-QPS permit (other than a permit granted in accordance with paragraph 235(2)(b)); or
  (ii) to transfer a permit (other than a permit granted in accordance with paragraph 235(2)(b)) with effect from a date other than that applied for.

Subdivision 6A.3.5—Feedstock permits

240 Definition for Subdivision 6A.3.5

In this Subdivision:

permit year, in relation to a feedstock permit, means the calendar year for which the permit is granted.

241 Applications for feedstock permits

(1) An application for a feedstock permit must:
  (a) be made to the Minister in an approved form; and
  (b) set out the information mentioned in subregulation (2); and
  (c) be signed by the applicant.

(2) For paragraph (1)(b), the information is:
  (a) the name, address and ABN (if any) of the applicant; and
  (b) the name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant; and
  (c) the permit year for which the applicant is seeking the permit; and
  (d) the amount of methyl bromide that the applicant intends to use as a feedstock during the permit year; and

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(e) what chemical, or chemicals, the applicant will use the methyl bromide to manufacture; and

(ea) a description of the process in which the methyl bromide will be used to manufacture the chemical or chemicals; and

(f) an estimate of the methyl bromide emissions that will result from the applicant's use of the methyl bromide; and

(g) in relation to any methyl bromide that the applicant intends to buy during the permit year for use as a feedstock:

(i) the name, address and ABN (if any) of each intended supplier of the methyl bromide; and

(ii) the amount of methyl bromide that the applicant intends to buy from each supplier; and

(h) the amount of methyl bromide that the applicant already possesses for use as a feedstock during the permit year; and

(i) evidence that the applicant is a fit and proper person to hold the permit.

(3) If an applicant does not provide all the information mentioned in subregulation (2), the Minister:

(a) may ask the applicant for the missing information; and

(b) need not consider the application until the applicant provides the information.

(4) If, 30 days after an application is made, and any information sought under subregulation (3) is provided, the Minister has not made a decision about the application, the Minister is taken to have refused the application.

242 Grant of feedstock permits

(1) The Minister must grant a feedstock permit to a person who makes an application under regulation 241 if the Minister is satisfied that:

(a) methyl bromide can be used as a feedstock for the chemical, or chemicals, mentioned in the person's application; and

(b) the proposed use of methyl bromide by the person will result in minimum methyl bromide emissions; and

(c) the person is a fit and proper person to hold the permit.

(2) The permit must set out, in writing, the details of the permit and must state:

(a) the permit year; and

(b) the conditions of the permit, including:

(i) the amount of methyl bromide that the person may use; and

(ii) what chemical, or chemicals, the person may use the methyl bromide to manufacture; and

(iii) the amount of methyl bromide that the person may buy; and

(iv) each supplier of methyl bromide covered by the permit as a ***nominated feedstock supplier*** for the person; and

(c) that the holder of the permit must not contravene a condition of the permit.

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(3) A permit is in force:
  (a) from the later of:
    (i) 1 January in the permit year; and
    (ii) the day on which it is granted; and
  (b) until the end of the permit year.

(4) For paragraph (1)(b), a use of methyl bromide results in ***minimum methyl bromide emissions*** if no more than 2% of the methyl bromide used is emitted.

244 Cancellation and suspension of feedstock permits

(1) The Minister may cancel or suspend a feedstock permit if he or she:
  (a) is satisfied that the holder is no longer a fit and proper person to hold the permit; or
  (b) is notified, by the holder in writing, that the holder no longer intends to use methyl bromide as a feedstock.

(2) The Minister cancels or suspends a feedstock permit by giving the holder a notice:
  (a) stating that the permit has been cancelled or suspended; and
  (b) setting out the reasons for the cancellation or suspension; and
  (c) in the case of a suspension—stating the period of the suspension.

(3) A feedstock permit is not in force during any period of suspension.

245 Review of decisions

An application may be made to the Administrative Review Tribunal for review of a decision by the Minister:
  (a) under regulation 242:
    (i) not to grant a feedstock permit; or
    (ii) to grant a permit to use a particular amount of methyl bromide; or
    (iii) not to grant a permit to use methyl bromide to manufacture a particular chemical; or
    (iv) to grant a permit to buy a particular amount of methyl bromide from a particular supplier; or
  (b) to cancel or suspend a permit under paragraph 244(1)(a).

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Division 6A.4—Fire protection

Subdivision 6A.4.1—Preliminary

301 Definitions for Division 6A.4

In this Division:

approved extinguishing agent destruction facility means a facility that a person is approved to operate under regulation 306.

destruction equipment means equipment used for the destruction of extinguishing agents.

discharge of scheduled substances permit means a permit granted under regulation 305.

Division 6A.4 permit means any of the following:

(a) a discharge of scheduled substances permit;

(b) a fire protection industry permit;

(c) a special circumstances exemption.

extinguishing agent means a scheduled substance that can be used to prevent, control or extinguish a fire, or suppress an explosion.

extinguishing agent handling licence means a licence granted under Subdivision 6A.4.3.

extinguishing agent trading authorisation means an authorisation granted under regulation 331.

Fire Board means a body appointed as a Fire Protection Industry (Ozone Depleting Substances and Synthetic Greenhouse Gas) Board under paragraph 307A(1)(a).

fire protection equipment means equipment that releases an extinguishing agent to prevent, control or extinguish a fire, or suppress an explosion.

fire protection industry permit means any of the following:

(a) an extinguishing agent handling licence;

(b) an extinguishing agent trading authorisation;

(c) a halon special permit.

halon special permit has the meaning given by regulation 341.

relevant authority, in relation to a Division 6A.4 permit or an application for such a permit, means:

(a) the relevant Board; or

(b) the Minister.

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relevant Board means:

(a) in relation to a Division 6A.4 permit—the Fire Board that granted the permit; or

(b) in relation to an application for a Division 6A.4 permit—the Fire Board to which the application is made.

special circumstances exemption has the meaning given by regulation 342.

302 Handling extinguishing agent

(1) A person contravenes this subregulation if the person handles an extinguishing agent that is, or has been, for use in fire protection equipment and the person is not:

(a) the holder of an extinguishing agent handling licence; or

(b) both:

(i) the holder of a special circumstances exemption; and

(ii) entitled under the exemption to handle the extinguishing agent; or

(c) both:

(i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to handle the extinguishing agent; and

(ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption.

(1A) Subregulation (1) does not apply to a person if:

(a) the fire protection equipment is or will be installed in an aircraft; and

(b) the person handles the equipment for the purpose of installing or removing the equipment; and

(c) the person:

(i) is, under Part 66 of the *Civil Aviation Safety Regulations 1998* (which is about aircraft engineer licences), a category A licence holder, a category B1 licence holder or a category B2 licence holder; and

(ii) has achieved the unit of competency CPPFES2043A Prevent ozone depleting substance and synthetic greenhouse gas emissions.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

(2) For subregulation (1), ***handle an extinguishing agent*** means to do anything with the extinguishing agent (other than use it to prevent, control or extinguish a fire, or suppress an explosion) that carries the risk of its emission, including:

(a) decanting the extinguishing agent; or

(b) installing or maintaining fire protection equipment; or

(c) both:

(i) the holder of a special circumstances exemption; and

(ii) entitled under the exemption to acquire, possess or dispose of bulk extinguishing agent; or

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(ca) both:

(i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to acquire, possess or dispose of bulk extinguishing agent; and

(ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

303 Possessing or trading in extinguishing agent

(1) In this regulation:

bulk extinguishing agent means an extinguishing agent, other than halon, that is, or has been, for use in fire protection equipment, but does not include an agent that is contained in fire protection equipment.

(2) A person must not acquire, possess, or dispose of bulk extinguishing agent unless the person is:

(a) the operator of an approved extinguishing agent destruction facility; or

(b) the holder of an extinguishing agent trading authorisation; or

(c) the holder of a special circumstances exemption that is appropriate for the acquisition, possession or disposition of the agent; or

(d) the officer in charge of a fire station; or

(e) approved to conduct a trial of a facility under regulation 307.

(3) Subregulation (2) does not apply to a person if, as soon as practicable after becoming aware that the person possessed bulk extinguishing agent, the person gave it to:

(a) the operator of an approved extinguishing agent destruction facility; or

(b) the holder of an extinguishing agent trading authorisation; or

(c) the officer in charge of a fire station; or

(d) the holder of a special circumstances exemption that entitles the holder to acquire, possess or dispose of bulk extinguishing agent.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

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Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Civil penalty provision

(5) A person is liable to a civil penalty if the person contravenes subregulation (2).

Civil penalty: 60 penalty units.

303A Prohibited extinguishing agent charging

(1) A person contravenes this subregulation if the person engages in prohibited extinguishing agent charging.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

304 Possessing halon

(1) A person must not possess halon that is, or has been, for use in fire protection equipment unless:

(a) subregulation (4) applies to the equipment; or

(b) the halon is for use in fire protection equipment and the person is the holder of a halon special permit; or

(c) the person is:

(i) the holder of a special circumstances exemption; and

(ii) entitled under the exemption to possess halon; or

(ca) the person is:

(i) an employee or contractor of the holder of a special circumstances exemption that entitles the holder of the exemption to possess halon; and

(ii) a person that holds the relevant qualifications or has the relevant experience specified in the exemption; or

(d) the person is the operator of an approved extinguishing agent destruction facility; or

(e) the person is approved to conduct a trial of a facility under regulation 307.

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(2) Subregulation (1) does not apply to a person if the person:

(a) in the case of a person who is the officer in charge of a fire station or the holder of an extinguishing agent trading authorisation—acquired the halon for transfer to an approved extinguishing agent destruction facility; or

(b) as soon as practicable after becoming aware that the person possessed halon, gave it to:

(i) the officer in charge of a fire station; or

(ii) the holder of an extinguishing agent trading authorisation; or

(iii) the operator of an approved extinguishing agent destruction facility; or

(iv) the holder of a special circumstances exemption that entitles the holder to possess halon.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

(4) This subregulation applies to:

(a) equipment that is used by the Defence Force in:

(i) a Collins Class submarine; or

(ii) an armoured fighting vehicle; or

(b) equipment (other than a portable fire extinguisher) that is used by the Defence Force in:

(i) an FFG7 Class destroyer; or

(ii) an ANZAC Class frigate; or

(c) equipment that is installed in, or carried in, an aircraft; or

(d) equipment that is installed in an enclosed space containing machinery, including the pump room, of a vessel:

(i) of more than 500 tonnes dead weight; or

(ii) that is entered in the Australian Register of Ships established under the *Shipping Registration Act 1981*.

Note: If halon ceases to be essential for use with a particular item of equipment mentioned in subregulation (4), the subregulation will be amended to omit the item.

Strict liability offence

(5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

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304A False representations

(1) A person contravenes this subregulation if:

(a) the person makes a representation that the person can provide a service that involves the acquisition, disposal, storage, use or handling of an extinguishing agent; and

(b) at the time of making the representation, the person does not hold a fire protection industry permit or special circumstances exemption that entitles the person to provide the service; and

(c) at the time of making the representation, the person does not employ, or has not engaged, a person who holds an extinguishing agent handling licence for work of the kind that is necessary to provide the service.

(2) Subregulation (1) does not apply to a person if:

(a) at the time of making the representation, the person has entered into an agreement (however described) with someone else to provide the service; and

(b) the agreement contains a provision to the effect that the service must be provided by the holder of a fire protection industry permit or special circumstances exemption that entitles the holder to provide the service.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

(2A) Subregulation (1) does not apply to a person if:

(a) at the time of making the representation, the person is an employee or contractor of the holder of a special circumstances exemption; and

(b) the representation made by the person is for an activity covered by the exemption.

Note: A person who wishes to rely on this subregulation bears an evidential burden in relation to the matter in this subregulation. See subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act.

(3) A person contravenes this subregulation if:

(a) the person makes a representation that the person is the holder of a kind of fire protection industry permit or special circumstances exemption; and

(b) at the time of making the representation, the person is not the holder of a fire protection industry permit or special circumstances exemption of that kind.

Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

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Civil penalty provision

(5) A person is liable to a civil penalty if the person contravenes subregulation (1) or (3).

Civil penalty: 60 penalty units.

305 Discharge of scheduled substances (Act s 45B)

(1) For the purposes of paragraph 45B(1)(d) of the Act, a person may discharge a scheduled substance if:
  (a) the discharge is to:
    (i) test the design of a fire extinguishing system or a fire extinguisher; or
    (ii) calibrate equipment used to detect extinguishing agent leaks; and
  (b) the person is granted a permit by a relevant authority, allowing the discharge.

(2) A person may apply in writing to a relevant authority for a permit.

(3) An application must include:
  (a) the name and address of the applicant; and
  (b) information about each proposed discharge, including:
    (i) the location of the discharge; and
    (ii) if more than 1 discharge is proposed—the number of discharges; and
    (iii) the quantity of substance in each discharge; and
    (iv) the reason it is necessary to discharge the substance; and
  (c) any other information relevant to any proposed discharge.

(4) The relevant authority may grant a permit if, in its opinion:
  (a) the applicant, because of his or her training and experience, is able to carry out the discharge in a way that minimises the amount of the substance discharged; and
  (b) the discharge is to test the design of a system that is necessary to protect human life or critical to the community; and
  (c) there is no alternative to the discharge that is:
    (i) practicable; and
    (ii) available at a reasonable cost; and
    (iii) safe; and
    (iv) likely to result in less damage to the environment.

305A Use of HCFC manufactured or imported on or after 1 January 2020

(1) For the purposes of paragraph 45C(1)(c) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for the purpose of maintaining fire protection equipment.

(2) Subregulation (1) does not apply if the fire protection equipment was manufactured or imported on or after 1 January 2020.

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306 Extinguishing agent destruction facilities

(1) The Minister may, on application, give approval in writing for a person to operate an extinguishing agent destruction facility.

(2) An application must be in writing and must include:
  (a) the name and address of the applicant; and
  (b) the address of the facility; and
  (c) enough information about the facility to enable the Minister to decide the application; and
  (d) if the facility was the subject of a trial under regulation 307—information about the results of the trial.

(3) An application must be accompanied by the fee mentioned for the approval in regulation 345.

(4) The Minister may approve a person to operate a facility only if the Minister is satisfied that the facility is able to operate in a way that is consistent with Australia's obligations under the Montreal Protocol.

(5) An approval is subject to the condition that:
  (a) the destruction equipment is fit for the purpose for which it is to be used; and
  (b) of each batch of an extinguishing agent given to the facility for destruction, at least 99.99% is converted into something that is not a scheduled substance.

(6) An approval granted under this regulation is effective for 2 years.

307 Trial of facility for destroying extinguishing agent

(1) The Minister may, on application, give approval in writing for a person to conduct a trial of a facility to determine whether the facility is able to operate in a way that is consistent with Australia's obligations under the Montreal Protocol when destroying an extinguishing agent.

(2) An application must be in writing and must include:
  (a) the name and address of the applicant; and
  (b) the address of the facility; and
  (c) enough information about the facility to enable the Minister to decide the application.

(3) The approval is subject to the condition that the destruction equipment is fit for the purpose for which it is to be used.

(4) The Minister may at any time impose, or vary, other conditions in writing on the approval of a person to conduct a trial, including conditions relating to the following:
  (a) when the trial may be conducted;
  (b) the volume of SGGs or ODSs that may be destroyed in the trial;

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(c) the reporting and monitoring requirements that must be complied with in relation to the trial.

(5) In this regulation:

ODS has the meaning given by section 65A of the Act.

Subdivision 6A.4.1A—Appointment of Fire Boards etc.

307A Appointment of Fire Boards and exercise of powers and functions

(1) The Minister may, in writing:
(a) appoint one or more bodies that are incorporated under the *Corporations Act 2001* as Fire Protection Industry (Ozone Depleting Substances and Synthetic Greenhouse Gas) Boards; and
(b) specify that an appointment is subject to a condition or conditions set out in the instrument of appointment; and
(c) authorise the Board or Boards to exercise any or all of the following powers and functions of the Minister:
(i) the powers and functions set out in subregulation (2);
(ii) the powers and functions set out in subregulation 311(2).

(2) For the purposes of subparagraph (1)(c)(i), the Minister's powers and functions are as follows:
(a) to receive applications for discharge of scheduled substances permits;
(b) to grant discharge of scheduled substances permits;
(c) to receive applications for special circumstances exemptions;
(d) to grant special circumstances exemptions;
(e) to collect, on behalf of the Commonwealth, any fees that are payable for those applications.

(3) The Minister may exercise the Minister's powers and functions set out in subregulation (2) even if the Minister has authorised one or more Fire Boards to exercise any or all of those powers and functions under subparagraph (1)(c)(i).

Subdivision 6A.4.2—Fire protection industry permits

Note: Regulation numbers 308 to 310 (inclusive) are intentionally not used.

311 Minister's powers and functions in relation to fire protection industry permits

(1) This regulation sets out the Minister's powers and functions in relation to fire protection industry permits.

(2) The Minister's powers and functions are to:
(a) receive applications for fire protection industry permits; and
(b) collect, on behalf of the Commonwealth, the fees that are payable for those applications; and

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(ba) refund application fees in accordance with regulation 313A;

(c) grant fire protection industry permits; and

(d) collect information:

(i) supplied by applicants for industry permits; and

(ii) supplied in response to any request under paragraph 332(1)(b); and

(e) publish the information mentioned in paragraph (d) in a way that does not:

(i) allow any individual to be identified, unless the individual's name is included in a business or trading name.

(ii) disclose confidential information; and

(f) inspect, with the occupier's permission, premises used for activities conducted under a fire protection industry permit; and

(g) if requested by an employer of a holder of a fire protection industry permit, disclose to the employer the following information about the holder's permit:

(i) the type of permit held;

(ii) the expiry date for the permit.

312 Minister may exercise powers and functions concurrently with Board

The Minister may exercise the Minister's powers and functions set out in subregulation 311(2) even if the Minister has authorised one or more Fire Boards to exercise any or all of those powers and functions under subparagraph 307A(1)(c)(ii).

313 Applications for fire protection industry permits—general

(1) An application for a fire protection industry permit must:

(aa) be made to:

(i) a Fire Board that is authorised to receive applications for fire protection industry permits; or

(ii) if subregulation (1AA) applies—the Minister; and

(a) be in an approved form; and

(b) be accompanied by the fee prescribed for the particular kind of permit; and

Note: Application fees for Part 6A are set out in Division 6A.4A.

(c) include the information needed by the relevant authority to decide the application, including the information required by subregulations (1A) and (1B).

(1AA) This subregulation applies if:

(a) the Minister:

(i) does not appoint any body under paragraph 307A(1)(a); or

(ii) appoints one or more bodies under paragraph 307A(1)(a) but does not authorise any of them under paragraph 307A(1)(c) to receive applications for fire protection industry permits; or

(b) the Minister revokes, or suspends, the appointment of all Fire Boards; or

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(c) the Minister revokes or suspends the powers and functions of all Fire Boards to receive applications for fire protection industry permits; or

(d) the Minister considers it appropriate in particular circumstances for an application to be made to the Minister.

(1A) The application must include:

(a) details about the applicant's relevant training and experience; and

(b) in the case of an application by an individual—evidence about the applicant's knowledge about this Division, the Act and any standard that is relevant to the work to be carried out under the permit; and

Note: Relevant standards are set out in Table 326.

(c) evidence that the applicant is a fit and proper person to hold the permit; and

(d) the name of the applicant's employer (if any); and

(e) for an application for an extinguishing agent trading authorisation—evidence that the applicant will meet the requirements mentioned in subregulation 331(3); and

(f) for an application for a halon special permit—evidence that the applicant will meet the requirements mentioned in subregulation 341(3).

(1B) However, if:

(a) the applicant holds a fire protection industry permit (the ***current permit***) at the time the application is made; and

(b) the current permit and the permit for which the application is made are the same type of fire protection industry permit; and

(c) the application is made no later than 30 days before the current permit ceases to be in force;

then, instead of the details or evidence required by a paragraph of subregulation (1A), the application may include:

(d) if there has been a change in relation to the matter mentioned in the paragraph since the application for the current permit was made—evidence of the change; or

(e) confirmation that there has been no change in relation to the matter mentioned in the paragraph since the application for the current permit was made.

(1C) Without limiting the information a relevant authority may take into account in deciding whether to grant a fire protection industry permit, if subregulation (1B) applies in relation to the application for the permit, the relevant authority may take into account any information previously provided by the applicant.

(2) If an applicant has not:

(a) provided all the information mentioned in paragraph (1)(c); or

(b) given any consent that has been requested for the disclosure to the relevant authority or the Minister of personal information that is relevant to whether the applicant is a fit and proper person to hold the permit;

the relevant authority:

(c) may ask the applicant for the information or consent; and

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(d) need not consider the application until the applicant provides the information or gives the consent.

(3) If the relevant authority has not made a decision about an application within 30 days after:
(a) if paragraph (b) does not apply—the application was made; or
(b) if the relevant authority has asked the applicant for any missing information or consent—the information or consent was provided;
the relevant authority is taken to have refused the application.

(4) An applicant may withdraw an application at any time before the relevant authority decides the application.

(5) An applicant is taken to have withdrawn an application if:
(a) the relevant authority asks the applicant for information or consent; and
(b) the applicant does not provide the information or consent within 6 months of the authority's request.

(6) Subject to regulation 313A, the fee for an application is not refundable if the applicant withdraws the application or the application is taken to have been withdrawn.

313A Refunding application fees

(1) The Minister may, in a circumstance specified in subregulation (3), refund the whole or part of a fee (the ***application fee***) paid by a person for a fire protection industry permit.

(2) The Minister may do so on the Minister's own initiative or on written application by the person.

(3) For the purposes of subregulation (1), the following circumstances are specified:
(a) the person has paid the application fee more than once in respect of the same permit;
(b) the person has paid more than the application fee required to be paid for the permit;
(c) all the following apply:
(i) the person applied, and paid the application fee, for the wrong type of permit;
(ii) that application has not been decided;
(iii) the person applied, and paid the application fee, for the correct type of permit;
(d) both of the following apply:
(i) the person applied, and paid the application fee, for a renewal of the permit more than 6 months before the permit's expiry date;
(ii) the application has not been decided;

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(e) the Minister is satisfied on reasonable grounds that it is appropriate in all the circumstances to refund the whole or part of the application fee paid by the person for the permit.

Subdivision 6A.4.2A—General provisions in relation to Division 6A.4 permits

314 Requirements for grant of Division 6A.4 permits

A relevant authority must not grant a Division 6A.4 permit to a person unless the relevant authority is satisfied that:

(a) granting the permit is not contrary to Australia's international obligations, or the Commonwealth's policies, relating to the use or disposal of scheduled substances; and

(b) the person is a fit and proper person to hold the permit.

314A Period for which Division 6A.4 permits are in force

A Division 6A.4 permit is in force:

(a) from the day on which it is granted by a relevant authority, or another day specified by the relevant authority in writing; and

(b) for a period of no more than 36 months specified in writing by the relevant authority.

315 Minister may cancel or suspend Division 6A.4 permits

(1) The Minister may cancel or suspend a Division 6A.4 permit if he or she is satisfied that the holder:

(a) is no longer a fit and proper person to hold the permit; or

(b) has contravened a condition to which the permit was subject; or

(ba) does not have the knowledge, ability and experience necessary to competently carry out the work covered by the permit; or

(c) for an extinguishing agent trading authorisation—does not meet the requirements mentioned in subregulation 331(3); or

(d) for a halon special permit—does not meet the requirements mentioned in subregulation 341(3).

(1A) The Minister may suspend a Division 6A.4 permit:

(a) for a fixed period; or

(b) until the Minister is satisfied on reasonable grounds that:

(i) a thing that contributes to the grounds for the suspension is remedied; and

(ii) if the thing is required to be remedied in a stated way—the thing is remedied in that way or in a way that is equally effective.

(2) The Minister cancels or suspends a Division 6A.4 permit by giving the holder a notice:

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(a) stating that the permit has been cancelled or suspended; and
(b) setting out the reasons for the cancellation or suspension; and
(c) stating:
(i) for a suspension for a fixed period—the period of the suspension; or
(ii) for a suspension mentioned in paragraph (1A)(b)—the date the suspension begins and that the permit is suspended until a stated thing is remedied.

(2A) A notice that contains a statement mentioned in subparagraph (2)(c)(ii) may also state how the thing is to be remedied.

(2B) For a permit that is suspended until a stated thing is remedied, the holder must tell the Minister in writing when, and how, the thing is remedied.

(2C) If the Minister decides that the thing is remedied:
(a) the Minister must give the holder a notice stating that the Minister is satisfied that the thing is remedied; and
(b) the suspension ends on the day after the day the holder is given the notice.

(2D) If the Minister decides that the thing is not remedied, the Minister must give the holder a notice stating that the Minister is not satisfied that the thing is remedied.

316 Reconsideration of decisions

(1) Application may be made:
(a) to a relevant authority for reconsideration of any of the following decisions of the relevant authority:
(i) a refusal of an application for a Division 6A.4 permit;
(ii) a decision about the period for which a Division 6A.4 permit is in force;
(iii) a decision imposing or varying a condition on a Division 6A.4 permit;
(iiia) a decision not to vary a special circumstances exemption;
(iv) a refusal to refund the whole or part of a fee paid by a person for a fire protection industry permit; or
(b) to the Minister for reconsideration of a decision of the Minister:
(i) to suspend or cancel a Division 6A.4 permit; or
(ii) that a thing that contributes to the grounds for a suspension of a Division 6A.4 permit is not remedied.

(2) An application for reconsideration of a decision must:
(a) be made within 21 days of the day on which the person received notice of the decision; and
(b) set out the reasons why the person wants the decision reconsidered.

(3) If the relevant authority or Minister receives an application, the relevant authority or Minister may:
(a) confirm the decision; or
(b) vary or reverse the decision.

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(4) Before making a decision under subregulation (3), the relevant authority or Minister may ask the applicant in writing to give the relevant authority or Minister further information that the relevant authority or Minister reasonably needs to make the decision.

(5) If the relevant authority or Minister asks for further information under subregulation (4), the period starting on the day the written request is made and ending on the day the applicant gives the information is not to be counted for subregulation (7).

(6) However, if the applicant does not give the relevant authority or Minister the information before the thirtieth day after the day the written request is made, that day and each day after that is to be counted for subregulation (7).

(7) If the relevant authority or Minister does not confirm, vary or reverse a decision within 60 days after the day the relevant authority or Minister receives an application for reconsideration of the decision, the relevant authority or Minister is taken to have confirmed the decision.

317 Review of decisions

Application may be made to the Administrative Review Tribunal for the review of a decision that was confirmed or varied by a relevant authority or the Minister under subregulation 316(3).

318 Division 6A.4 permits not in force if suspended

A Division 6A.4 permit is not in force during any period of suspension.

319 Powers of inspectors

An inspector appointed under section 49 of the Act may exercise the powers given to him or her under Part VIII of the Act at premises used, by the holder of a Division 6A.4 permit, for:

(a) activities permitted by the permit; or

(b) storage of records relating to activities permitted by the permit.

Subdivision 6A.4.3—Extinguishing agent handling licences

Note: Regulation number 320 is intentionally not used.

321 Grant of extinguishing agent handling licences—general

(4) If a relevant authority grants one or more extinguishing agent handling licences to a person it must give the person a document setting out the details of each licence granted.

(5) The holder of an extinguishing agent handling licence that is in force (a ***first licence***) may apply, free of charge, for an extinguishing agent handling licence of another kind (a ***further licence***).

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(6) A further extinguishing agent handling licence granted by a relevant authority must cease to be in force on, or before, the day on which the first extinguishing agent handling licence ceases to be in force.

322 Extinguishing agent handling licences—qualified persons

(1) A relevant authority may, on application, grant to a person an extinguishing agent handling licence mentioned in column 1 of an item in Table 322, entitling the person to engage in the work described in column 2 of the item.

Note 1: Regulation 313 also applies to an application.

Note 2: A person is entitled to apply for any number of licences.

(2) The relevant authority may grant the licence only if the relevant authority is satisfied that:

(a) the person has satisfied the requirements of all of the units of competency determined by the Minister under subregulation (3) for the licence; and

(b) at the time the requirements of each unit of competency are first satisfied by the person, both:

(i) the unit of competency is entered on the National Register (within the meaning of the *National Vocational Education and Training Regulator Act 2011*); and

(ii) the registration of the unit of competency on the National Register has not been cancelled.

(3) The Minister must, by legislative instrument, determine units of competency required for a licence mentioned in column 1 of an item in Table 322.

Table 322—Licences and entitlements

Item	Column 1 Licence	Column 2 Entitlement of licensee
1	Portable Fire Extinguisher Maintenance Licence	To charge and recharge a portable fire extinguisher, and repair the extinguisher valve
2	Fixed System Installation and Decommissioning Licence	(1) To install and decommission a gaseous fire extinguishing system (fire protection equipment) including: (a) to install and disconnect actuation devices (mechanisms) to and from container valves; and (b) to install and disconnect gaseous agent containers; and (c) to install and disconnect any interconnections to other gaseous system containers; and (d) to install and disconnect ancillary equipment connections to manifold and pipework; and (e) to attach and remove transport equipment, such as valve outlet and actuator port caps, plugs and locking devices installed to prevent accidental discharge (2) Commission actuation control devices set to operate and engage safety devices as needed and decommission these

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Table 322—Licences and entitlements

Item	Column 1 Licence	Column 2 Entitlement of licensee
		devices
3	Fixed System Testing and Maintenance Licence	To test and maintain a gaseous fire extinguishing system (fire protection equipment), including: (a) to test actuation release systems; and (b) to disconnect and reconnect actuation devices (mechanisms); and (c) to disconnect and reconnect any interconnections to other gaseous systems containers; and (d) to disconnect and reconnect ancillary equipment connections from containers to manifold and pipework; and (e) to test actuation devices (mechanisms); and (f) to perform any tests and maintenance on any Fire Detection and Alarm System, including any remote operation panel and actuation and control system that interfaces with or forms part of a gaseous fire extinguishing system; and (g) to perform any tests and maintenance on gaseous agent containers and ancillary equipment connections from containers to manifold and pipework
4	Recovery, Reclamation, Fill and Recycling Licence	To recover, reclaim, fill and recycle an extinguishing agent into and from a fire extinguisher and gaseous fire extinguishing system container from and to a bulk agent container
5	Warehouse Maintenance Licence	To monitor for leakage stocks of extinguishing agent bulk agent containers in a warehouse and, as needed, to transfer the extinguishing agent from a leaking storage container
6	Control Systems Installation, Commissioning and Decommissioning Licence	To install, commission and decommission a fire detection and alarm system, including any remote operation panel and actuation and control system that interfaces with or forms part of a gaseous fire extinguishing system

323 Special extinguishing agent handling licence

A relevant authority may, on application, grant an extinguishing agent handling licence (called a ***special extinguishing agent handling licence***) to a person, entitling him or her to carry out work:

(a) at a specified kind of place (for example, an off-shore drilling platform); or

(b) on specified fire protection equipment (for example, aviation or maritime equipment); or

(c) both at a specified kind of place and on specified equipment;

if:

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(d) the work to be covered by the licence requires skills or knowledge (or both skills and knowledge) that are outside the scope of those required for a licence mentioned in Table 322; and

(e) the person provides evidence that he or she is able to carry out the work in a way that is appropriate for the grant of the licence.

324 Extinguishing agent handling licences—experienced persons

A relevant authority may, on application, grant an extinguishing agent handling licence to a person if the relevant authority is satisfied that the person is suitably qualified to hold a licence because he or she has engaged in, or supervised, work of the kind to be permitted by the licence.

325 Extinguishing agent trainee licence

A relevant authority may, on application, grant an extinguishing agent handling licence (called an ***extinguishing agent trainee licence***) to a person, entitling the person to carry out activities authorised by a licence mentioned in an item in Table 322 while under the supervision of a holder of a licence of that kind.

326 Licence conditions

(1) An extinguishing agent handling licence is subject to the condition that the licensee:

(a) carries out the work to which the licence relates in accordance with any standard determined by the Minister under subregulation (5) that relates to the work; and

(aa) does not engage in prohibited extinguishing agent charging; and

(b) gives any extinguishing agent recovered from fire protection equipment to:

(i) the holder of an extinguishing agent trading authorisation; or

(ii) the operator of an approved extinguishing agent destruction facility; and

(c) ensures that any equipment used to transfer an extinguishing agent from one vessel to another:

(i) is fit for its purpose; and

(iii) is appropriately maintained; and

(d) submits to a relevant authority a report describing the circumstances relating to any lawful emission of an extinguishing agent; and

(e) does not carry out any work to which the licence relates (other than decommissioning or disposal or work in the aviation or maritime industries) on fire protection equipment that does not comply with any standard determined by the Minister under subregulation (5) that applies to the equipment.

(2) A relevant authority may impose a condition on a licence, and must set out the condition on:

(a) the licence document; or

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(b) a written notice given by the relevant authority to the licensee.

(3) The relevant authority may impose a condition on a licence at any time.

(4) A licensee must not contravene a condition of his or her licence.

(5) The Minister may, by legislative instrument, determine standards that apply in relation to work carried out under an extinguishing agent handling licence.

327 Contravention of licence condition

(1) A person contravenes this subregulation if:
(a) the person holds an extinguishing agent handling licence; and
(b) the person contravenes a condition of the licence.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Subdivision 6A.4.4—Extinguishing agent trading authorisations

Note: Regulation numbers 328, 329 and 330 are intentionally not used.

331 Grant of authorisations

(1) A relevant authority may, on application, grant an extinguishing agent trading authorisation to a person, permitting the person to acquire, store or dispose of an extinguishing agent that is for use, or has been used, in fire protection equipment.

Note: Regulation 313 also applies to an application.

(1A) However, an authorisation does not permit a person to acquire, store or dispose of halon.

Note: For a permit to possess halon: see regulation 341.

(3) The relevant authority must not grant an authorisation unless it is satisfied that the applicant:
(a) has business premises that are equipped and operating so as to be able to handle, and prevent avoidable emissions of, any extinguishing agent; and
(b) is able to ensure that extinguishing agents are handled only by persons who are licensed to do so.

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332 Conditions on authorisations

(1) An extinguishing agent trading authorisation is granted subject to the conditions that the holder:

(a) keeps up-to-date records showing the amounts of extinguishing agent acquired, disposed of and recovered from equipment by the holder during each quarter; and

(b) 14 days or less after receiving a request in writing by a relevant authority, sends to the relevant authority copies of the records mentioned in paragraph (a); and

(ba) does not engage in prohibited extinguishing agent charging; and

(c) has equipment that is adequate for the holder's activities, including 1 or more of each of the following:

(i) unless the holder has leak detection procedures in place—leak detectors;

(ii) vacuum pumps;

(iii) recovery units; and

(d) maintains, so that it operates correctly, each item of the holder's equipment that is necessary to prevent avoidable emissions of any extinguishing agent; and

(e) at least every quarter, checks any extinguishing agent container at the holder's premises for leaks; and

(f) does not fill a container unless it meets AS/NZS 2030.1; and

(g) puts into effect for the premises a risk management plan that is approved, in writing, by the relevant authority; and

(h) handles any extinguishing agent in accordance with each applicable standard mentioned in Table 326; and

(i) delivers, to the operator of an approved extinguishing agent destruction facility, any extinguishing agent that is to be destroyed.

(2) A holder may satisfy a requirement of subregulation (1) by ensuring that another person satisfies the requirement on behalf of the holder.

(3) A risk management plan for paragraph (1)(g):

(a) must be prepared in accordance with AS 4360:2004; and

(b) must include information about how the following matters will be dealt with:

(i) emissions from leaks in, or the failure of, storage vessels;

(ii) damage by intruders;

(iii) the transfer of extinguishing agents from a leaking storage vessel; and

(c) may be approved by the relevant authority only if the relevant authority thinks that the plan, if put into effect, would allow the premises to operate in a way that is consistent with Australia's obligations under the Montreal Protocol.

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(4) It is also a condition of a extinguishing agent trading authorisation that the holder accepts any surrendered extinguishing agent that has been used, or appears to be intended for use, in fire protection equipment.

(5) The relevant authority may specify that an authorisation is subject to a condition, and must set out the condition on:
  (a) the document that provides evidence of the authorisation; or
  (b) a written notice given by the relevant authority to the holder.

(6) For paragraph (5)(b), a notice may be given at any time.

333 Contravention of condition of authorisation

(1) A person contravenes this subregulation if:
  (a) the person holds an extinguishing agent trading authorisation; and
  (b) the person contravenes a condition of the authorisation.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

Subdivision 6A.4.5—Halon special permits

Note: Regulation numbers 334 to 340 (inclusive) are intentionally not used.

341 Halon special permit

(1) A relevant authority may, on application, grant a written permit (a ***halon special permit***) to a person, entitling him or her to possess halon that is for use in fire protection equipment.

Note: Regulation 313 also applies to an application.

(3) The relevant authority may grant a halon special permit to a person only if it is satisfied that:
  (a) the applicant, because of his or her training and experience, is able to competently carry out the activities covered by the permit; and
  (b) the applicant's use of the halon is for a purpose that is necessary to protect human life or operate equipment that is critical to the community; and
  (c) there is no alternative to the halon's use that is:
    (i) practicable; and
    (ii) available at a reasonable cost; and

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(iii) safe; and
(iv) likely to result in less damage to the environment.

(5) The relevant authority may put a condition on a halon special permit.

Example 1: A condition about the purpose for which the halon is to be used.

Example 2: A condition about the people who are allowed to deal with the halon when it is in the permit-holder's possession.

(6) A person contravenes this subregulation if:
(a) the person holds a halon special permit; and
(b) the person contravenes a condition of the permit.

Strict liability offence

(7) A person commits an offence of strict liability if the person contravenes subregulation (6).

Penalty: 50 penalty units.

Civil penalty provision

(8) A person is liable to a civil penalty if the person contravenes subregulation (6).

Civil penalty: 60 penalty units.

Subdivision 6A.4.6—Special circumstances exemptions

342 Special circumstances exemption

(1) A relevant authority may grant a written exemption (a ***special circumstances exemption***) to a person, entitling the person to the privileges of the holder of one or more of the following:
(a) an extinguishing agent handling licence;
(b) an extinguishing agent trading authorisation;
(c) a halon special permit;
as specified in the exemption.

(1A) An application for a special circumstances exemption must be accompanied by the fee mentioned for the exemption in regulation 345.

(2) The relevant authority may accept an application from a person who applies, in writing, to the relevant authority, setting out:
(a) the name and address of the person; and
(b) the activities to be carried out by the person, for which the exemption is being sought; and
(c) any other information relevant to the relevant authority's decision whether or not to grant the exemption.

(3) The authority may grant the exemption only if the authority is satisfied that:

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(a) either:
(i) special circumstances exist that justify the grant of the exemption; or
(ii) the activities proposed to be covered by the exemption are to be undertaken by the Australian Defence Force or a military of a foreign country acting in cooperation with the Australian Defence Force; and
(b) it is inappropriate or impracticable for the applicant to obtain the required licences, authorisations or permits related to the activities to which the application relates; and
(c) if the applicant is an individual—the individual has suitable qualifications or experience to competently carry out the activities to be covered by the exemption; and
(d) if the applicant is a person other than an individual—the person has:
(i) suitably qualified or experienced employees or contractors to competently carry out the activities to be covered by the exemption; and
(ii) suitable equipment to carry out the activities to be covered by the exemption.

(4) If the authority decides to grant the exemption, the exemption must:
(a) be in writing; and
(b) specify the following:
(i) the activities that are covered by the exemption;
(ii) the licences, authorisations or permits in relation to which the exemption is being granted;
(iii) the period for which the exemption is in force;
(iv) if any conditions are imposed on the exemption under regulation 342A—the conditions;
(v) if the exemption is granted to a person other than an individual—the relevant qualifications or experience that an employee or contractor of the person must have to carry out the activities covered by the exemption.

Note: Regulation 314A deals with the maximum period that a special circumstances exemption can be in force.

(5) If the authority decides to grant the exemption, it must, as soon as practicable, give the applicant a copy of the exemption.

342A Conditions on special circumstances exemption

(1) The relevant authority may impose any conditions it considers reasonably necessary to manage the risks posed by the activities covered by a special circumstances exemption.

(2) If a special circumstances exemption is granted to a person other than an individual, the exemption must include the condition that only a person with relevant qualifications or experience specified in the exemption is to carry out the activities to which the exemption applies.

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342B Application by holder to vary special circumstances exemption

(1) A special circumstances exemption holder may apply to a relevant authority to vary the exemption.

(2) The application for the variation must:
  (a) be made in the approved form; and
  (b) be accompanied by any information or documents required by the form; and
  (c) be accompanied by the prescribed fee (if any).

Note: Application fees for Part 6A are set out in Division 6A.4A.

(3) The relevant authority may, in writing, ask the applicant to give the authority additional information or documents relevant to the application.

(4) An applicant is taken to have withdrawn the application if:
  (a) the relevant authority asks the applicant for information or documents in accordance with subregulation (3); and
  (b) the applicant does not provide the information or documents within 60 days of the authority's request.

(5) If the authority decides to grant the application, it must, as soon as practicable, give the applicant a copy of the varied special circumstances exemption.

342C Relevant authority may impose additional conditions or vary or remove existing conditions

Imposition of additional conditions

(1) A relevant authority may, at any time, impose additional conditions to which a special circumstances exemption is subject if the authority considers the conditions to be reasonably necessary to manage the risks posed by the activities covered by the exemption.

(2) If the authority imposes conditions under subregulation (1):
  (a) the authority must, by written notice to the holder of the exemption, notify the holder of the conditions; and
  (b) the conditions take effect:
    (i) at the end of 60 days after the giving of the notice; or
    (ii) if the authority considers that it is necessary for the conditions to take effect earlier—at the end of a shorter period specified in the notice.

Varying or removing conditions

(3) A relevant authority may, by written notice to the holder of a special circumstances exemption, vary or remove conditions imposed under subregulation 342A(1) or subregulation (1) of this regulation in relation to the exemption.

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(4) A variation under subregulation (3) takes effect:

(a) at the end of 60 days after the giving of the notice under that subregulation; or

(b) if the authority considers that it is necessary for the variation to take effect earlier—at the end of a shorter period specified in the notice given under that subregulation.

342D Contravening conditions of special circumstances exemption

(1) A person contravenes this subregulation if:

(a) the person is the holder of a special circumstances exemption granted under regulation 342; and

(b) the exemption is subject to a condition to be complied with by the person; and

(c) the person contravenes the condition.

Strict liability offence

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subregulation (1).

Civil penalty: 60 penalty units.

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Division 6A.4A—Application fees for Part 6A

343 RAC industry permit application fees

(1) For the purposes of paragraph 121(1)(c), the following table specifies the application fee for an RAC industry permit.

Application fees for RAC industry permits

Item	The amount of the fee for an application for…	is…
1	a refrigeration and air conditioning trainee licence granted under regulation 134	(a) if the application is for a licence that is to be in force for 12 months or less—$31; or (b) if the application is for a licence that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for a licence that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).
2	a refrigerant handling licence granted under Subdivision 6A.2.2 (other than the licence mentioned in item 1)	(a) if the application is for a licence that is to be in force for 12 months or less—$73; or (b) if the application is for a licence that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for a licence that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).
3	a refrigerant trading authorisation or an RAC equipment manufacturing authorisation granted under paragraph 140(1)(a) or (b) or both	(a) if the application is for an authorisation that is to be in force for 12 months or less—$235; or (b) if the application is for an authorisation that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for an authorisation that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).

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Application fees for RAC industry permits		
Item	**The amount of the fee for an application for…**	**is…**
4	a restricted refrigerant trading authorisation granted under paragraph 140(1)(c)	(a) if the application is for an authorisation that is to be in force for 12 months or less—$73; or (b) if the application is for an authorisation that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for an authorisation that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).
5	a halon special permit granted under regulation 150	(a) if the application is for a permit that is to be in force for 12 months or less—$280; or (b) if the application is for a permit that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for a permit that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).

(2) If an amount of a fee (the ***increased fee***) specified in paragraph (a) of an item of the table in subregulation (1) is increased under regulation 346, the increased fee is to be used in working out the amount of the fee under paragraph (b) or (c) of that item.

344 Fire protection industry permit application fees

(1) For the purposes of paragraph 313(1)(b), the following table specifies the application fee for a fire protection industry permit.

Application fees for fire protection industry permits		
Item	**The amount of the fee for an application for…**	**is…**
1	an extinguishing agent handling licence granted under Subdivision 6A.4.3	(a) if the application is for a licence that is to be in force for 12 months or less—$140; or (b) if the application is for a licence that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or

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Application fees for fire protection industry permits		
Item	**The amount of the fee for an application for…**	**is…**
		(c) if the application is for a licence that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).
2	an extinguishing agent trading authorisation granted under regulation 331	(a) if the application is for an authorisation that is to be in force for 12 months or less—$235; or (b) if the application is for an authorisation that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for an authorisation that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).
3	a halon special permit granted under regulation 341	(a) if the application is for a permit that is to be in force for 12 months or less—$280; or (b) if the application is for a permit that is to be in force for more than 12 months, but not more than 24 months—an amount that is twice the amount specified in paragraph (a); or (c) if the application is for a permit that is to be in force for more than 24 months—an amount that is 3 times the amount specified in paragraph (a).

(2) If an amount of a fee (the ***increased fee***) specified in paragraph (a) of an item of the table in subregulation (1) is increased under regulation 346, the increased fee is to be used in working out the amount of the fee under paragraph (b) or (c) of that item.

345 Application fees in relation to other Part 6A applications

The following fees are specified for other Part 6A applications:

(a) for approval to operate an extinguishing agent destruction facility granted under regulation 306—$300;

(b) for a special circumstances exemption granted under regulation 151 or 342—$786.

346 Increases for certain Part 6A application fees

(1) This regulation applies to:

(a) an amount of a fee that is:

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(i) specified in paragraph (a) of an item of the table in subregulation 343(1) or 344(1); and

(ii) in force on 30 September of a calendar year; and

(b) an increase in the fee that takes effect on or after 1 January 2019.

(2) If, for a calendar year, the latest WPI number is greater than the earlier WPI number, the fee is taken to increase (subject to subregulation (2A)), on 1 January of the next calendar year, in accordance with the following formula:

$$\frac{\text{fee} \times \text{latest WPI number}}{\text{earlier WPI number}}$$

(2A) The Minister may, by legislative instrument, determine that subregulation (2) does not apply in relation to one or more calendar years.

(3) If a fee increased under subregulation (2) would be an amount of dollars and cents, the amount is to be rounded to the nearest whole dollar.

(4) If the amount to be rounded is 50 cents, the amount is to be rounded up.

(5) In this regulation:

earlier WPI number, for a calendar year, means the WPI number published in respect of the September quarter before the calendar year begins.

September quarter means a period of 3 months ending at the end of September.

latest WPI number, for a calendar year, means the WPI number published in respect of the September quarter that occurs during the calendar year.

WPI number means the Wage Price Index number (the original number for all sectors in Australia for the total hourly rates of pay excluding bonuses) published by the Australian Statistician.

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Division 6A.5—Uses of scheduled substances not otherwise mentioned in this Part

400 Discharge of scheduled substances (Act s 45B)

(1) For the purposes of paragraph 45B(1)(d) of the Act, a person may discharge a scheduled substance if the discharge occurs while:

(a) the substance is being manufactured or mixed; or

(b) the substance is being used for foam blowing or is contained in a foam structure that is being machined, cut, shredded or disposed of; or

(c) an aerosol containing the substance is being used; or

(d) a solvent containing the substance is being used; or

(e) the substance is being used for research or analysis conducted in a laboratory; or

(f) a device containing the substance is being used to remove a cork from a bottle; or

(g) the substance is being:

(i) tested to determine what the substance is, the composition of the substance or the physical or chemical properties of the substance; or

(ii) sampled as a precursor to being tested as mentioned in subparagraph (i).

(2) For the purposes of paragraph 45B(1)(d) of the Act, a person may also discharge a scheduled substance if:

(a) the person is approved to:

(i) operate a facility under regulation 114 or 306; or

(ii) conduct a trial of a facility under regulation 115 or 307; and

(b) the discharge:

(i) occurs as a result of the facility operating, or the trial of the facility being conducted, in accordance with the approval relating to the facility or trial; or

(ii) is an accidental discharge that occurs while the facility is operating, or the trial of the facility is being conducted, in accordance with the approval relating to the facility or trial.

(3) A scheduled substance is ***sampled*** if the substance is:

(a) extracted and transferred from equipment or a container into a sample cylinder or piece of testing equipment; or

(b) through a process such as vacuuming, extracting or transferring, brought into the testing range of a device that detects and analyses a sample of the substance being emitted into the air in the testing range.

Note: Regulation numbers 401 to 499 (inclusive) are intentionally not used.

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Division 6A.6—Scheduled substances (other than methyl bromide) used as feedstock

500 Discharge of scheduled substances (other than methyl bromide) used as feedstock (Act s 45B)

For the purposes of paragraph 45B(1)(d) of the Act, a person may discharge a scheduled substance (other than methyl bromide) if the substance is being used as feedstock.

Note: Discharge of methyl bromide is dealt with by regulation 216.

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Division 6A.7—HCFCs manufactured or imported on or after 1 January 2020 used for laboratory and analytical purposes

600 Use of HCFCs manufactured or imported on or after 1 January 2020 for laboratory and analytical purposes (Act s 45C)

(1) For the purposes of paragraph 45C(1)(c) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for laboratory and analytical purposes.

(2) Subregulation (1) does not apply if the use is excluded, under any decision made by the parties to the Montreal Protocol that applies to Australia, from being exempt by virtue of being laboratory and analytical uses from a provision of the Montreal Protocol.

Note 1: Regulation numbers 601 to 899 (inclusive) are intentionally not used.

Note 2: Use of HCFCs for the purpose of servicing RAC equipment is dealt with in regulation 113B. Use of HCFCs for the purpose of maintaining fire protection equipment is dealt with in regulation 305A.

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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 Periodic reports by manufacturers, importers and exporters of scheduled substances and equipment

(1) For the purposes of subsection 46(1) of the Act, a report given by a person to the Minister, must be prepared in accordance with this regulation.

(2) The person must keep a copy of the report for 5 years from the date the report is submitted to the Minister.

(3) The report must state the following:

(a) the name and address of the person;

(b) the combination of numbers, letters or symbols used to provide a unique identifier for the licence (if any) granted to the person under section 16 of the Act;

(c) the reporting period to which the report relates;

(d) the information required by the following table.

Information to be included in report

Item	Column 1 If the person carries out the following activity during the reporting period …	Column 2 the report must include the following information …
1	manufacturing, importing or exporting a scheduled substance	(a) each kind of scheduled substance (see subsection (4)) that the person manufactured, imported or exported during the reporting period; (b) for each of those kinds of scheduled substances that the person manufactured, imported or exported during the reporting period: (i) the total amount, in metric tonnes, of the kind of scheduled substance so manufactured, imported or exported for any purpose; and (ii) the total amount, in metric tonnes, of the kind of scheduled substance so manufactured, imported or exported for use as feedstock
2	importing SGG equipment	(a) the categories of SGG equipment mentioned in subregulation (5) that the person imported during the reporting period;

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Information to be included in report		
Item	**Column 1** **If the person carries out the following activity during the reporting period …**	**Column 2** **the report must include the following information …**
		(b) for each of those categories of equipment—the total number of units of the equipment that the person imported during the reporting period; (c) for each of those categories of equipment—the total amount, in metric tonnes, of each kind of scheduled substance (see subsection (4)) that is: (i) an HFC, nitrogen trifluoride, a PFC or sulfur hexafluoride; and (ii) contained in the equipment in that category that the person imported during the reporting period
3	manufacturing or importing ODS equipment	(a) the categories of ODS equipment mentioned in subregulation (6) that the person manufactured or imported during the reporting period; (b) the kinds of scheduled substances (see subsection (4)) contained in that equipment; (c) for each of those kinds of scheduled substances—the total amount, in metric tonnes, of the kind of scheduled substance contained in that equipment

(4) For the purposes of column 2 of the table in subregulation (3), a substance mentioned in an item of a table in Schedule 1 to the Act is taken to be a different kind of scheduled substance to a substance mentioned in another item of a table in that Schedule.

(5) For the purposes of column 2 of item 2 of the table in subregulation (3), the categories of SGG equipment are as follows:

(a) commercial use air-conditioning excluding heat pumps;
(b) domestic use air-conditioning excluding heat pumps;
(c) motor vehicle, watercraft or aircraft air-conditioning;
(d) commercial or domestic use heat pumps;
(e) commercial use refrigeration;
(f) domestic use refrigeration;
(g) motor vehicle, watercraft or aircraft refrigeration;
(h) expanding polyurethane foam aerosols;
(i) food, household and personal use aerosols;
(j) industrial, safety or technical use aerosols excluding fire protection equipment mentioned in paragraph (q) or (r);
(k) metered dose inhalers;

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(l) novelty use aerosols or any other aerosol not mentioned in paragraphs (h) to (k);
(m) consumer goods not mentioned in paragraphs (h) to (l);
(n) electrical switchgear;
(o) components and parts that contain SGG equipment;
(p) medical, scientific, or electrical equipment not mentioned in any other paragraph;
(q) fixed systems and components for fire protection not mentioned in any other paragraph;
(r) portable extinguishers for fire protection not mentioned in any other paragraph.

(6) For the purposes of column 2 of item 3 of the table in subregulation (3), the categories of ODS equipment are as follows:
(a) dry cleaning machinery;
(b) automotive air-conditioning maintenance kits;
(c) extruded polystyrene packaging and insulation;
(d) aerosol equipment;
(e) equipment containing halon;
(f) rigid polyurethane foam equipment;
(g) moulded flexible polyurethane foam;
(h) disposable containers of CFCs;
(i) refrigeration and air-conditioning equipment containing CFCs;
(j) refrigeration and air-conditioning equipment containing HCFCs.

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Part 9—Miscellaneous

Note: Part 8 and regulation numbers 906 to 917 (inclusive) are intentionally not used.

918 Licence levy threshold

For the purposes of subsection 69(3) of the Act, $330 is prescribed.

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Part 10—Transitional provisions

Division 1—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Various Matters) Regulation 2013

952 Application of regulation 133

Regulation 133, as in force immediately after the commencement of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Various Matters) Regulation 2013*, applies, and is taken always to have applied, to the grant of licences on and after 1 January 2005.

954 Application of amendment of subregulation 5(2)

The amendment of subregulation 5(2) made by Schedule 3 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Various Matters) Regulation 2013* applies in relation to records created before, on or after the commencement of the amendment.

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Division 2—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017

956 Application of amendments made by item 6 of Schedule 1

The amendments made by item 6 of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017* apply in relation to importing ODS equipment or SGG equipment on or after the commencement of this regulation.

957 Transitional provision—approved forms

For the purposes of these Regulations, if:

(a) the Minister approved a form under a provision of these Regulations; and

(b) the approval was in force immediately before the commencement of this regulation;

the approval has effect from that commencement as if it had been made under section 66A of the Act, as amended by Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment Act 2017*, for the purposes of the provision mentioned in paragraph (a) of this regulation.

958 Transitional provision—delegations

(1) A delegation:

(a) made under subregulation 913(1); and

(b) in force immediately before the commencement of this regulation;

has effect, from that commencement, as if it had been made under subregulation 916(1) as inserted by Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017*.

(2) A direction:

(a) given under subregulation 913(2); and

(b) in force immediately before the commencement of this regulation;

has effect, from that commencement, as if it had been made under subregulation 916(2) as inserted by Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017*.

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Division 3—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017

959 RAC industry permits—application provision

Despite the repeal of subregulations 130(3), 140(4) and 150(4) by the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017*, those subregulations continue to apply in relation to RAC industry permits granted before the commencement of this regulation, as if the repeals had not happened.

960 Fire protection industry permits—application provision

Despite the repeal of subregulations 321(3), 331(5) and 341(4) by the *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017*, those subregulations continue to apply in relation to fire protection industry permits granted before the commencement of this regulation, as if the repeals had not happened.

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Division 4—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Application Fees) Regulations 2018

961 Application fees for Part 6A—application provision

The amendments made by items 1 and 2 of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Application Fees) Regulations 2018* apply in relation to applications made on or after the commencement of this regulation.

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Division 5—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Methyl Bromide, Fire Protection and Other Measures) Regulations 2018

962 Definitions for Division 5

In this Division:

amending regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Methyl Bromide, Fire Protection and Other Measures) Regulations 2018*.

commencement day means the day on which this Division commences.

old regulations means these Regulations as in force immediately before the commencement day.

963 Transitional—non-QPS permits

(1) The amendments made by Schedule 1 to the amending Regulations apply in relation to applications for non-QPS permits made on or after the commencement day, subject to this regulation.

(2) For the purposes of the Minister's consideration of the grant to a person of a non-QPS permit to use methyl bromide for non-QPS uses for the calendar year 2019 or 2020:

(a) if, before the commencement day, the person had made a written request to the Minister to be shown on the Non-QPS Exemption List for that calendar year as an exempt person in relation to non-QPS applications corresponding to those non-QPS uses—the person is taken to have made an application for a permit for the calendar year in accordance with regulation 234; and

(b) in any case—subregulation 235(2) applies as if a reference to the Minister's consultation with the parties to the Montreal Protocol, and receipt of advice as a result of such consultation, included a reference to any such consultation that occurred, and to any such advice received, before, on or after the commencement day in relation to the person's use of methyl bromide for those non-QPS uses (or non-QPS applications corresponding to those uses).

964 The Fire Protection Industry (Ozone Depleting Substances and Synthetic Greenhouse Gas) Board—continuation

(1) An appointment:

(a) made under paragraph 311(1)(a) of the old regulations; and

(b) in force immediately before the commencement day;

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has effect, on and after that day, as if it had been made under paragraph 307A(1)(a) as inserted by the amending regulations.

(2) An authorisation:

(a) given under paragraph 311(1)(b) of the old regulations; and

(b) in force immediately before the commencement day;

has effect, on and after that day, as if it had been given under subparagraph 307A(1)(c)(ii) as inserted by the amending regulations.

965 Transitional—pending applications for licences and permits etc.

(1) This regulation applies in relation to an application if:

(a) the application was made under the old regulations before the commencement day; and

(b) immediately before that day, a decision on the application has not been made.

(2) Despite the amendments made by Schedule 2 to the amending regulations, the old regulations continue to apply in relation to the application as if the amendments had not happened.

966 Transitional—new applications for fire protection industry permits

The amendments of these Regulations made by Schedule 2 to the amending regulations apply in relation to applications for Division 6A.4 permits made on or after the commencement day.

967 Transitional—internal review

(1) This regulation applies in relation to an application if:

(a) the application was made under subregulation 316(1) of the old regulations before the commencement day; and

(b) immediately before that day, a decision on the application has not been made.

(2) Despite the amendments of subregulation 316(1) by Schedule 2 to the amending regulations, that subregulation, as in force immediately before the commencement day, continues to apply in relation to the application as if the amendments had not happened.

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Division 6—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019

968 Definitions for Division 6

In this Division:

amending regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019*.

969 Prohibited refrigerant charging

(1) Regulation 111A applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether the relevant equipment was imported or manufactured before, on or after 1 January 2020.

(2) Paragraph 135(1)(ba) applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether:
  (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  (b) the relevant licence was granted before, on or after 1 January 2020.

(3) Paragraph 141(1)(ba) applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether:
  (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  (b) the relevant authorisation was granted before, on or after 1 January 2020.

970 Prohibited extinguishing agent charging

(1) Regulation 303A applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether the relevant equipment was imported or manufactured before, on or after 1 January 2020.

(2) Paragraph 326(1)(aa) applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether:
  (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  (b) the relevant licence was granted before, on or after 1 January 2020.

(3) Paragraph 332(1)(ba) applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether:
  (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  (b) the relevant authorisation was granted before, on or after 1 January 2020.

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971 Reporting sales of methyl bromide

The amendments of regulation 230 made by the amending regulations apply in relation to reporting periods starting on or after 1 January 2020.

972 Licences

Equipment licences

(1) Subregulation 3C(5) applies to waiving an application fee on or after 1 January 2020, whether the application was made before, on or after 1 January 2020.

(2) The amendment of regulation 3E made by the amending regulations applies in relation to a licence granted on or after 1 January 2020 if:
  (a) the application for the licence was made before that day and had not been finally determined as at 1 January 2020; or
  (b) the application for the licence is made on or after 1 January 2020.

Miscellaneous

(3) The amendment of paragraph 3C(2)(b) made by the amending regulations applies in relation to waiving an application fee on or after 1 January 2020, whether the application was made before, on or after 1 January 2020.

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Division 7—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020

973 Contravening conditions of certain licences, authorisations and permits

The amendments made by Part 2 of Schedule 1 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020* apply in relation to a contravention of a condition of any of the following:

(a) a licence granted under Subdivision 6A.2.2;

(b) an authorisation granted under Subdivision 6A.2.3;

(c) a Division 6A.4 permit (other than a discharge of scheduled substances permit);

that starts to occur on or after the commencement of this regulation, whether the licence, authorisation or permit is granted, or the condition is imposed, before, on or after that commencement.

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Division 8—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022

974 Definitions for this Division

In this Division:

amending regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022*.

commencement time means the commencement of this Division.

old regulations means these Regulations as in force immediately before the commencement time.

975 Reserve HFC quota amendments

The amendments made by Part 1 of Schedule 1 to the amending regulations apply in relation to a calendar year commencing on or after 1 January 2023.

976 Applications for an RAC Industry permit

(1) This section applies if:
  (a) before the commencement time, a person made an application for an RAC industry permit under Subdivision 6A.2.1A; and
  (b) immediately before that time, the relevant authority has not made a decision on the application.

(2) Both of the following apply in relation to the application:
  (a) the application is taken, immediately after the commencement time, to be an application made under Subdivision 6A.2.1A as amended by Part 2 of Schedule 1 to the amending regulations;
  (b) after that time, the application may be dealt with, or may continue to be dealt with, under that Subdivision as so amended.

977 Applications for a special circumstances exemption

(1) This section applies if:
  (a) before the commencement time, a person made an application for a special circumstances exemption under Subdivision 6A.4.6; and
  (b) immediately before that time, the relevant authority has not made a decision on the application.

(2) Both of the following apply in relation to the application:
  (a) the application is taken, immediately after the commencement time, to be an application made under Subdivision 6A.4.6 as amended by Part 2 of Schedule 1 to the amending regulations;

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(b) after that time, the application may be dealt with, or may continue to be dealt with, under that Subdivision as so amended.

978 Existing special circumstances exemptions

Despite the amendments made by Part 2 of the amending regulations, the old regulations continue to apply in relation to a special circumstances exemption granted under regulation 342 before the commencement time as if the amendments had not happened.

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Division 9—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023

979 Definitions for this Division

In this Division:

amending regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023*.

commencement time means the commencement of this Division.

980 Application fees for licences and renewals of licences

(1) The amendment of regulation 3C made by Schedule 1 to the amending regulations applies in relation to an application for a licence made on or after the commencement time.

(2) The amendment of regulation 3D made by Schedule 1 to the amending regulations applies in relation to an application for a renewal of a licence made on or after the commencement time.

981 Decisions relating to grants of permits—fit and proper person test

The amendments of regulation 102 made by Schedule 1 to the amending regulations apply in relation to the making of a decision on or after the commencement time relating to the grant of a permit, whether the application for the permit is made before, on or after that time.

982 Records of non-QPS uses of methyl bromide

The amendment of subparagraph 221(2)(d)(iv) made by Schedule 1 to the amending regulations applies in relation to a use of methyl bromide under a non-QPS permit on or after the commencement time, whether the permit is granted before, on or after that time.

983 Reports of use under non-QPS permits

(1) The amendments of regulation 231 made by Schedule 1 to the amending regulations apply in relation to a reporting period that ends on or after the commencement time.

(2) The amendments of regulation 232 made by Schedule 1 to the amending regulations apply in relation to a person who is granted an emergency permit if the 14 day period mentioned in subregulation 232(1) (as amended by Schedule 1 to the amending regulations) starts on or after the commencement time.

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(3) This regulation applies whether the relevant permit is granted before, on or after the commencement time.

984 Periodic reports

The amendments of regulation 900 made by Schedule 1 to the amending regulations apply in relation to a reporting period that ends on or after the commencement time.

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Division 10—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024

985 Application of amendments made by Schedule 2

The amendments of this instrument made by Schedule 2 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024* apply in relation to conduct engaged in on or after 1 July 2024.

986 Application of amendments made by Schedule 3

(1) The amendments of regulations 131, 134 and 322 made by Schedule 3 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024* apply in relation to applications for a licence made on or after 1 August 2024.

(2) The amendments of regulations 135 and 326 made by Schedule 3 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024* apply in relation to work carried out under a licence on or after 1 August 2024 whether the licence was granted before, on or after that day.

(3) The amendments of regulation 345 made by Schedule 3 to the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024* apply in relation to an application made on or after 1 August 2024.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
389, 1995	12 Dec 1995	12 Dec 1995 (r 1)	
73, 1999	19 May 1999	19 May 1999 (r 2)	—
8, 2002	21 Feb 2002	21 Feb 2002 (r 2)	—
279, 2003	13 Nov 2003	13 Nov 2003 (r 2)	—
216, 2004	26 Feb 2004	26 Feb 2004 (r 2)	—
296, 2004	7 Sept 2004	7 Sept 2004 (r 2)	—
380, 2004	23 Dec 2004	1 Jan 2005 (r 2)	—
381, 2004	23 Dec 2004	1 Jan 2005 (r 2)	—
71, 2005	29 Apr 2005 (F2005L00953)	1 May 2005 (r 2)	—
90, 2005	27 May 2005 (F2005L01205)	28 May 2005 (r 2)	—
254, 2005	14 Nov 2005 (F2005L03476)	Sch 1: 15 Nov 2005 (r 2(a)) Remainder: 1 Jan 2006 (r 2(b))	—
237, 2006	8 Sept 2006 (F2006L02998)	15 Sept 2006 (r 2)	—
312, 2006	1 Dec 2006 (F2006L03919)	1 Jan 2007 (r 2)	—
217, 2007	23 July 2007 (F2007L02307)	24 July 2007 (r 2)	—
335, 2007	8 Oct 2007 (F2007L03917)	1 Jan 2008 (r 2)	—
136, 2008	25 June 2008 (F2008L02217)	Sch 1: 26 June 2008 (r 2(a)) Sch 2: 1 Jan 2009 (r 2(b))	—
4, 2009	9 Feb 2009 (F2009L00224)	10 Feb 2009 (r 2)	—
171, 2009	10 July 2009 (F2009L02691)	11 July 2009 (r 2)	—
64, 2010	19 Apr 2010 (F2010L00945)	20 Apr 2010 (r 2)	r 4
64, 2011	16 May 2011 (F2011L00768)	18 May 2011 (r 2)	—
256, 2011	14 Dec 2011 (F2011L02667)	15 Dec 2011 (r 2)	—
110, 2012	19 June 2012 (F2012L01257)	1 July 2012 (s 2)	—
169, 2012	13 July 2012 (F2012L01555)	14 July 2012 (s 2)	—
260, 2012	27 Nov 2012 (F2012L02267)	1 Jan 2013 (s 2)	—
261, 2012	27 Nov 2012 (F2012L02270)	1 Jan 2013 (s 2)	—
123, 2013	17 June 2013 (F2013L01022)	1 July 2013 (s 2)	—
147, 2013	28 June 2013 (F2013L01259)	1 July 2013 (s 2)	—
265, 2013	17 Dec 2013 (F2013L02135)	Sch 1: 18 Dec 2013 (s 2 item 2) Sch 2: 1 Jan 2014 (s 2 item 3) Sch 3: 1 Mar 2014 (s 2 item 4)	—
154, 2014	3 Nov 2014 (F2014L01467)	4 Nov 2014 (s 2)	—
22, 2015	17 Mar 2015 (F2015L00307)	18 Mar 2015 (s 2)	—

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Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
181, 2015	17 Nov 2015 (F2015L01811)	Sch 1 (items 1, 2): 18 Nov 2015 (s 2(1) item 2) Sch 1 (item 3): 1 July 2015 (s 2(1) item 3)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2016	13 Dec 2016 (F2016L01933)	1 Jan 2017 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017	28 July 2017 (F2017L00964)	Sch 1 (items 2–14, 16–41): 1 Aug 2017 (s 2(1) item 2) Sch 2: 1 Jan 2018 (s 2(1) item 3) Sch 3: 1 Jan 2020 (s 2(1) item 4)	—
Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 2) Regulations 2017	18 Oct 2017 (F2017L01366)	Sch 1: 1 Jan 2018 (s 2(1) item 2)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Application Fees) Regulations 2018	8 Feb 2018 (F2018L00094)	9 Feb 2018 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Methyl Bromide, Fire Protection and Other Measures) Regulations 2018	11 Dec 2018 (F2018L01730)	12 Dec 2018 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019	19 Dec 2019 (F2019L01675)	1 Jan 2020 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2020 Measures No. 1) Regulations 2020	18 Aug 2020 (F2020L01029)	19 Aug 2020 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (HFC Quota Allocation—Grandfathered Quota) Regulations 2020	28 Sept 2020 (F2020L01229)	29 Sept 2020 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Reserve HFC Quotas) Regulations 2021	16 Nov 2021 (F2021L01564)	17 Nov 2021 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2022 Measures No. 1) Regulations 2022	19 Dec 2022 (F2022L01691)	20 Dec 2022 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023	9 June 2023 (F2023L00752)	13 June 2023 (s 2(1) item 1)	—
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2024 Measures No. 1) Regulations 2024	21 June 2024 (F2024L00730)	Sch 1 (items 1–5) and Sch 2: 1 July 2024 (s 2(1) items 2, 4) Sch 1 (items 6–10): 1 July 2025 (s 2(1) item 3) Sch 3: 1 Aug 2024 (s 2(1) item 5)	—
Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024	11 Oct 2024 (F2024L01299)	Sch 3 (items 20–25): 14 Oct 2024 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading	ad 2004 No 296
r 1	rs 1999 No 73
	am 2004 No 16
r 2	rs No 16, 2004
	am No 123, 2013; F2017L00964; F2018L01730; F2019L01675; F2023L00752; F2024L00730
r 2AAA	ad F2019L01675
r 2AAB	ad F2019L01675
Part 2	
Part 2	ad 2012 No 110
r 2AA	ad No 154, 2014
r 2A	ad No 110, 2012
	am No 123, 2013; F2017L00964
	rep F2023L00752
r 2B	ad F2017L00964
	am F2023L00752
Part 3	
Part 3 heading	ad 2004 No 296
	rs 2012 No 110
r 3	am No 279, 2003
	rs No 16, 2004; No 110, 2012
	am No 123, 2013; No 147, 2013; No 154, 2014; F2017L00964
	rs F2023L00752
	am F2024L00730
r 3A	ad No 16, 2004
	rs F2023L00752
	am F2024L00730
r 3AA	ad No 147, 2013
	am F2017L00964
	rep F2023L00752
r 3B	ad No 16, 2004
	rep F2023L00752
r 3C	ad No 16, 2004
	am No 217, 2007; No 171, 2009; No 110, 2012; No 265, 2013; No 154, 2014; F2017L00964; F2019L01675; F2023L00752
r 3D	ad F2017L00964
	am F2019L01675; F2023L00752

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Endnote 4—Amendment history

Provision affected	How affected
r 3DA	ad F2024L00730
	am F2024L00730
r 3E	ad F2017L00964
	am F2017L00964
	rs F2019L01675; F2023L00752
r 3F	ad F2023L00752
r 4	ad 2004 No 16
	rep 2004 No 296
	ad 2005 No 71
	rs 2007 No 217
	am 2007 No 335; 2012 No 110; F2023L00752
r 5	am No 8, 2002; No 265, 2013; F2017L00964; F2023L00752
r 6	rep No 265, 2013
r 6A	ad No 73, 1999
	am No 16, 2004; No 217, 2007
	rs No 171, 2009
	am No 110, 2012; No 154, 2014; F2017L00964; F2019L01675; F2023L00752; F2024L01299
r 7	rep 2003 No 279
Part 4A	
Part 4A	ad F2017L00964
Division 4A.1	
r 40	ad F2017L00964
	am F2021L01564; F2022L01691
r 41	ad F2017L00964
Division 4A.2	
r 42	ad F2017L00964
Division 4A.3	
Subdivision 4A.3.1	
r 43	ad F2017L00964
Subdivision 4A.3.2	
r 44	ad F2017L00964
	am F2017L00964
r 45	ad F2017L00964
Subdivision 4A.3.3	
r 46	ad F2017L00964
r 47	ad F2017L00964
r 48	ad F2017L00964
	am F2020L01229
r 49	ad F2017L00964

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Provision affected	How affected
r 50	ad F2017L00964
	am F2020L01229; F2021L01564; F2022L01691
r 51	ad F2017L00964
r 52	ad F2017L00964
r 53	ad F2017L00964
Subdivision 4A.3.4	
r 54	ad F2017L00964
Subdivision 4A.3.5	
r 55	ad F2017L00964
r 56	ad F2017L00964
r 57	ad F2017L00964
r 58	ad F2017L00964
Division 4A.4	
Subdivision 4A.4.1	
r 60	am F2022L01691
Subdivision 4A.4.2	
r 61	am F2022L01691
r 62	am F2022L01691
Subdivision 4A.4.3	
r 63	am F2022L01691
Subdivision 4A.4.4	
r 64	rs F2022L01691
Part 5 heading	rs F2017L00964
	rep F2017L00964
Part 5	ad No 296, 2004
	am No 64, 2011; F2017L00964
	rep F2017L00964
Division 5.1 heading	ad No 154, 2014
	rep F2017L00964
r 70	ad 2011 No 64
	am 2012 No 110; No 265, 2013
	rs No 154, 2014
	rep 30 June 2015 (r 70(2))
r 71	ad No 154, 2014
	rep 31 Dec 2015 (r 71(2))
r 72	ad No 154, 2014
	rep 30 June 2016 (r 72(2))
r 73	ad No 154, 2014
	am No 22, 2015; No 181, 2015; F2017L00964
	rep end of 31 Dec 2019 (r 73(6))

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Endnote 4—Amendment history

Provision affected	How affected
Division 5.2 heading	ad No 154, 2014
	rep F2017L00964
Division 5.2	rep F2017L00964
r 80	ad No 296, 2004
	rs No 217, 2007
	am F2017L00964
	rep F2017L00964
Division 4A.4	
Division 4A.4	ad F2021L01564
Subdivision 4A.4.1	
r 60	ad F2021L01564
Subdivision 4A.4.2	
r 61	ad F2021L01564
r 62	ad F2021L01564
Subdivision 4A.4.3	
r 63	ad F2021L01564
Subdivision 4A.4.4	
r 64	ad F2021L01564
Part 6A	
Part 6A	ad 2004 No 296
	rs 2004 No 380
Division 6A.1	
Division 6A.1	ad 2004 No 380
r 100	ad 2004 No 380
	rs 2004 No 381
	am 2005 No 71
r 101	ad 2004 No 380
	rs 2007 No 217
	rep F2018L01730
r 102	ad No 265, 2013
	am F2023L00752
Division 6A.2	
Division 6A.2	ad 2004 No 380
Subdivision 6A.2.1	
Subdivision 6A.2.1	ad 2004 No 380
r 110	ad No 380, 2004
	am No 90, 2005; No 217, 2007; No 4, 2009; No 171, 2009; 2010 No 64; No 123, 2013; F2017L00964; F2018L01730; F2019L01675; F2022L01691
r 111	ad 2004 No 380
	am 2007 No 217; 2008 No 136

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Provision affected	How affected
	rs 2009 No 4
	am 2009 No 171
	rs 2010 No 64
	am 2012 No 169; F2022L01691; F2024L00730
r 111A	ad F2019L01675
	am F2024L00730
r 112	ad 2004 No 380
	am No 90, 2005; No 123, 2013; F2018L01730; F2022L01691; F2024L00730
r 113	ad 2004 No 380
	am No 123, 2013; F2018L01730; F2022L01691; F2024L00730
r 113A	ad 2009 No 4
	am 2009 No 171; 2010 No 64; F2022L01691
	rs F2024L00730
r 113B	ad F2019L01675
	am F2023L00752
r 114	ad 2004 No 380
	am No 123, 2013
r 115	ad No 123, 2013
Subdivision 6A.2.1A	
Subdivision 6A.2.1A	ad No 380, 2004
	am No 123, 2013
r 120	ad No 380, 2004
	rs No 90, 2005
	am No 4, 2009; No 171, 2009; F2019L01675; F2022L01691
r 121	ad No 380, 2004
	am No 90, 2005; No 4, 2009
	rs No 217, 2007
	am No 64, 2010; No 260, 2012; F2017L00964; F2017L01366; F2022L01691
r 121A	ad No 217, 2007
	am F2019L01675; F2022L01691
r 121B	ad F2019L01675
	am F2022L01691
r 122	ad No 380, 2004
	am No 90, 2005; No 217, 2007
	rs No 265, 2013
r 122A	ad F2017L01366
	am F2022L01691
r 123	ad No 380, 2004
	am No 90, 2005; No 136, 2008; No 4, 2009; No 64, 2010; F2017L00964; F2019L01675; F2022L01691

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Endnote 4—Amendment history

Provision affected	How affected
r 124	ad No 380, 2004
	am No 90, 2005; No 64, 2010; F2019L01675; F2022L01691
r 125	ad 2004 No 380
	am No 90, 2005; No 64, 2010; F2024L01299
r 126	ad 2004 No 380
r 127	ad 2004 No 380
Subdivision 6A.2.2	
Subdivision 6A.2.2	ad 2004 No 380
r 130	ad No 380, 2004
	am No 90, 2005; No 4, 2009; No 64, 2010; No 260, 2012; F2017L00964
	rs F2017L01366
r 131	ad 2004 No 380
	am No 90, 2005; No 254, 2005; No 217, 2007; No 4, 2009; No 64, 2010; No 265, 2013; F2018L01730; F2024L00730
r 132	ad 2004 No 380
	rs 2005 No 90
	rep 2010 No 64
r 133	ad 2004 No 380
	am 2005 No 90
	rs No 265, 2013
r 134	ad No 380, 2004
	am No 90, 2005
	rs No 217, 2007
	am No 265, 2013; F2018L01730; F2024L00730
r 135	ad No 380, 2004
	am No 90, 2005; No 217, 2007; No 335, 2007; No 136, 2008; No 4, 2009; F2018L01730; F2019L01675; F2024L00730
r 136	ad No 380, 2004
	am No 90, 2005
	rs No 4, 2009
	am F2020L01029
	rs F2024L00730
r 137	ad 2004 No 380
	rep 2009 No 4
r 138	ad 2005 No 90
	rep 2009 No 4
Subdivision 6A.2.3	
Subdivision 6A.2.3 heading	am No 90, 2005
	rs No 4, 2009
Subdivision 6A.2.3	ad No 380, 2004

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Provision affected	How affected
	am F2017L00964
r 140	ad No 380, 2004
	am No 90, 2005; No 217, 2007; No 4, 2009; No 171, 2009; No 64, 2010; No 169, 2012; No 260, 2012; F2017L01366; F2019L01675
r 141	ad No 380, 2004
	am No 90, 2005; No 217, 2007; No 4, 2009; No 171, 2009; No 169, 2012; F2017L01366; F2019L01675
r 142	ad No 380, 2004
	rs No 4, 2009
	am F2020L01029
	rs F2024L00730
r 143	ad 2005 No 90
	rep 2009 No 4
Subdivision 6A.2.4	
Subdivision 6A.2.4	ad No 380, 2004
	am No 90, 2005
r 150	ad 2004 No 380
	am No 381, 2004; No 90, 2005; No 4, 2009; No 260, 2012; F2017L01366; F2022L01691; F2024L00730
Subdivision 6A.2.5	
Subdivision 6A.2.5	ad F2022L01691
r 151	ad F2022L01691
r 152	ad F2022L01691
r 153	ad F2022L01691
r 154	ad F2022L01691
r 155	ad F2022L01691
	am F2024L00730
Division 6A.3	
Division 6A.3	ad 2004 No 381
Subdivision 6A.3.1	
r 200	ad No 381, 2004
	am No 71, 2005; No 254. 2005; No 237, 2006; No 312, 2006; No 335, 2007; No 136, 2008; No 171, 2009; No 64, 2010; No 256, 2011; No 261, 2012; No 265, 2013; No 154, 2014; No 181, 2015; F2016L01933; F2017L00964
	ed C34
	am F2017L01366
	rs F2018L01730
	am F2019L01675; F2023L00752
r 201	ad 2004 No 381
	rs 2005 No 71; F2018L01730
r 202	ad 2004 No 381

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Endnote 4—Amendment history

Provision affected	How affected
	rep F2023L00752
Subdivision 6A.3.2	
Subdivision 6A.3.2	am F2018L01730
r 210	ad 2004 No 381
	rep F2018L01730
r 211	ad 2004 No 381
	rs 2005 No 254; 2006 No 312
	rep F2018L01730
r 212	ad 2004 No 381
	am 2005 No 254
	rs F2018L01730
	am F2024L00730
r 213	ad 2004 No 381
	rs 2005 No 254
	am 2006 No 312; 2007 No 335; 2008 No 136; 2009 No 171; 2010 No 64; 2011 No 256; 2012 No 261; No 265, 2013; No 154, 2014; No 181, 2015; F2016L01933; F2017L01366
	rs F2018L01730
	am F2024L00730
r 214	ad 2005 No 71
	rs F2018L01730
	am F2024L00730
r 215	ad 2005 No 71
	rs F2018L01730
	am F2024L00730
Subdivision 6A.3.2A	
Subdivision 6A.3.2A	ad 2007 No 217
r 216	ad 2007 No 217
	am F2018L01730; F2023L00752
Subdivision 6A.3.3	
Subdivision 6A.3.3	am No 71, 2005; No 217, 2007
r 220	ad 2004 No 381
	am 2005 No 71; 2007 No 217; F2018L01730; F2024L00730
r 221	ad 2004 No 381
	am 2005 No 71; 2007 No 217; 2009 No 171; F2018L01730; F2023L00752; F2024L00730
r 222	ad No 381, 2004
	am No 71, 2005; No 217, 2007; No 171, 2009; F2017L00964
	rep F2018L01730
r 223	ad No 71, 2005
	am No 217, 2007; No 4, 2009

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Provision affected	How affected
	ed C34
	am F2018L01730; F2024L00730
Subdivision 6A.3.4	
Subdivision 6A.3.4	am 2005 No 71
r 230	ad No 381, 2004
	am No 71, 2005; F2018L01730; F2019L01675; F2024L00730
r 231	ad No 381, 2004
	am No 254, 2005; F2018L01730; F2019L01675; F2023L00752; F2024L00730
r 232	ad No 381, 2004
	am No 71, 2005
	rep F2018L01730
	ad F2019L01675
	am F2023L00752; F2024L00730
r 233	ad 2005 No 71
	am F2024L00730
Subdivision 6A.3.4A	
Subdivision 6A.3.4A	ad F2018L01730
r 234	ad F2018L01730
r 235	ad F2018L01730
	am F2019L01675
r 236	ad F2018L01730
r 237	ad F2018L01730
	am F2019L01675
r 238	ad F2018L01730
	am F2019L01675; F2024L01299
Subdivision 6A.3.5	
Subdivision 6A.3.5	ad 2005 No 71
	am F2018L01730
r 240	ad 2005 No 71
r 241	ad 2005 No 71
	am 2008 No 136; 2009 No 4
r 242	ad 2005 No 71
	am 2008 No 136; F2018L01730
r 243	ad 2005 No 71
	am 2008 No 136
	rep No 265, 2013
r 244	ad 2005 No 71
	am 2008 No 136
r 245	ad No 71, 2005
	am No 136, 2008; F2024L01299

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Endnote 4—Amendment history

Provision affected	How affected
r 246	ad No 136, 2008
	rep F2017L00964
Division 6A.4	
Division 6A.4	ad 2005 No 71
Subdivision 6A.4.1	
r 301	ad 2005 No 71
	am No 123, 2013; F2018L01730
	ed C38
	am F2022L01691
r 302	ad 2005 No 71
	am 2007 No 217; 2009 No 4; 2010 No 64; No 265, 2013; F2018L01730; F2022L01691; F2024L00730
r 303	ad 2005 No 71
	am No 123, 2013; F2018L01730; F2022L01691; F2024L00730
r 303A	ad F2019L01675
	rs F2024L00730
r 304	ad 2005 No 71
	am 2005 No 254; No 123, 2013; F2018L01730; F2022L01691; F2024L00730
r 304A	ad F2018L01730
	am F2022L01691; F2024L00730
r 305	ad 2005 No 71
	am F2018L01730; F2023L00752
r 305A	ad F2019L01675
	am F2023L00752
r 306	ad 2005 No 71
	am 2012 No 260; No 123, 2013
r 307	ad No 123, 2013
Subdivision 6A.4.1A	
Subdivision 6A.4.1A	ad F2018L01730
r 307A	ad F2018L01730
Subdivision 6A.4.2	
Subdivision 6A.4.2	am No 123, 2013
r 311	ad No 71, 2005
	am No 4, 2009; F2018L01730; F2019L01675
r 312	ad 2005 No 71
	rs F2018L01730
r 313	ad No 71, 2005
	rs No 217, 2007
	am No 4, 2009; No 64, 2010; No 260, 2012; F2017L00964; F2017L01366; F2018L01730; F2019L01675

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Provision affected	How affected
r 313A	ad F2019L01675
Subdivision 6A.4.2A	
Subdivision 6A.4.2A heading	ad F2018L01730
r 314	ad 2005 No 71
	rs No 265, 2013
	am F2018L01730
r 314A	ad F2017L01366
	am F2018L01730
r 315	ad No 71, 2005
	am No 136, 2008; No 64, 2010; F2017L00964; F2018L01730; F2019L01675
r 316	ad No 71, 2005
	am No 64, 2010; F2018L01730; F2019L01675; F2022L01691
r 317	ad No 71, 2005
	am F2018L01730; F2024L01299
r 318	ad 2005 No 71
	am F2018L01730
r 319	ad 2005 No 71
	am F2018L01730
Subdivision 6A.4.3	
r 321	ad 2005 No 71
	am 2012 No 260; 2010 No 64; F2017L01366; F2018L01730
r 322	ad No 71, 2005
	rs No 217, 2007
	am No 335, 2007; F2018L01730; F2024L00730
r 323	ad 2005 No 71
	am F2018L01730
r 324	ad 2005 No 71
	rs 2007 No 217
	am F2018L01730
r 325	ad 2005 No 71
	am F2018L01730
r 326	ad No 71, 2005
	am No 217, 2007; F2017L00964; F2018L01730; F2019L01675; F2024L00730
r 327	ad No 71, 2005
	rep No 64, 2010
	ad F2020L01029
	rs F2024L00730
Subdivision 6A.4.4	
r 331	ad No 71, 2005
	am No 217, 2007; No 64, 2010; No 260, 2012

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Endnote 4—Amendment history

Provision affected	How affected
	ed C34
	am F2017L01366; F2018L01730
r 332	ad No 71, 2005
	am F2018L01730; F2019L01675
r 333	ad No 71, 2005
	rep No 64, 2010
	ad F2020L01029
	rs F2024L00730
Subdivision 6A.4.5	
Subdivision 6A.4.5 heading	rs F2018L01730
r 341	ad No 71, 2005
	am No 64, 2010; No 260, 2012; F2017L01366; F2018L01730; F2020L01029; F2024L00730
Subdivision 6A.4.6	
Subdivision 6A.4.6 heading	ad F2018L01730
r 342	ad No 71, 2005
	am No 217, 2007; No 260, 2012; F2018L01730; F2020L01029; F2022L01691
r 342A	ad F2022L01691
r 342B	ad F2022L01691
r 342C	ad F2022L01691
r 342D	ad F2022L01691
	am F2024L00730
Division 6A.4A	
Division 6A.4A	am 2012 No 260
r 343	ad No 260, 2012
	am F2017L00964
	rs F2018L00094
r 344	ad 2012 No 260
	am F2017L01366
	rs F2018L00094
r 345	ad No 260, 2012
	am F2024L00730
r 346	ad 2012 No 260
	am F2018L00094; F2023L00752
Division 6A.5	
Division 6A.5	ad 2007 No 217
r 400	ad 2007 No 217
	am No 123, 2013; F2018L01730; F2023L00752
Division 6A.6	
Division 6A.6	ad 2007 No 217

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Endnote 4—Amendment history

Provision affected	How affected
r 500	ad No 217, 2007
	am F2018L01730; F2020L01029; F2023L00752
Division 6A.7	
Division 6A.7	ad F2020L01029
r 600	ad F2020L01029
	am F2023L00752
Part 7	
Part 7	ad No 296, 2004
r 900	ad No 296, 2004
	am No 90, 2005
	rs No 110, 2012
	am F2017L00964; F2023L00752
r 900A	ad No 154, 2014
	rep F2017L00964
r 901	ad No 296, 2004
	am No 90, 2005; No 64, 2010
	rs No 110, 2012
	am No 147, 2013; No 154, 2014
	rep F2017L00964
r 902	ad No 154, 2014
	rep F2017L00964
Part 8	ad No 265, 2013
	rep F2023L00752
r 906	ad No 265, 2013
	am F2018L01730
	rep F2023L00752
r 906A	ad F2018L01730
	am F2019L01675; F2020L01029
	rep F2023L00752
r 907	ad No 265, 2013
	rep F2023L00752
r 908	ad No 265, 2013
	rep F2023L00752
r 909	ad No 265, 2013
	rep F2023L00752
r 910	ad No 265, 2013
	rep F2023L00752
r 911	ad No 265, 2013
	rep F2023L00752
r 912	ad No 265, 2013

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Endnote 4—Amendment history

Provision affected	How affected
	rep F2023L00752
Part 9	
Part 9	ad 2012 No 110
	am F2023L00752
Division 9.1	ad F2019L01675
	rep F2023L00752
r 913	ad No 265, 2013
	rep F2017L00964
	ad F2019L01675
	rep F2023L00752
r 914	ad F2019L01675
	rep F2023L00752
r 915	ad F2019L01675
	rep F2023L00752
Division 9.2 heading	ad F2019L01675
	rep F2023L00752
r 916	ad F2017L00964
	rep F2023L00752
r 918	ad F2017L00964
r 920	ad 2012 No 110
	rep F2018L01730
r 921	ad 2012 No 110
	rep F2018L01730
r 922	ad 2012 No 110
	rep F2018L01730
Part 10	
Part 10	ad No 265, 2013
Division 1	
r 950	ad No 265, 2013
	rep F2018L01730
r 951	ad No 265, 2013
	rep F2018L01730
r 952	ad No 265, 2013
r 953	ad No 265, 2013
	rep F2018L01730
r 954	ad No 265, 2013
r 955	ad No 265, 2013
	rep F2018L01730
Division 2	
Division 2	ad F2017L00964

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Provision affected	How affected
r 956	ad F2017L00964
r 957	ad F2017L00964
r 958	ad F2017L00964
Division 3	
Division 3	ad F2017L01366
r 959	ad F2017L01366
r 960	ad F2017L01366
Division 4	
Division 4	ad F2018L00094
r 961	ad F2018L00094
Division 5	
Division 5	ad F2018L01730
r 962	ad F2018L01730
r 963	ad F2018L01730
r 964	ad F2018L01730
r 965	ad F2018L01730
r 966	ad F2018L01730
r 967	ad F2018L01730
Division 6	
Division 6	ad F2019L01675
r 968	ad F2019L01675
r 969	ad F2019L01675
r 970	ad F2019L01675
r 971	ad F2019L01675
r 972	ad F2019L01675
Division 7	
Division 7	ad F2020L01029
r 973	ad F2020L01029
Division 8	
Division 8	ad F2022L01691
r 974	ad F2022L01691
r 975	ad F2022L01691
r 976	ad F2022L01691
r 977	ad F2022L01691
r 978	ad F2022L01691
Division 9	
Division 9	ad F2023L00752
r 979	ad F2023L00752
r 980	ad F2023L00752
r 981	ad F2023L00752

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Endnote 4—Amendment history

Provision affected	How affected
r 982	ad F2023L00752
r 983	ad F2023L00752
r 984	ad F2023L00752
Division 10	
Division 10	ad F2024L00730
r 985	ad F2024L00730
r 986	ad F2024L00730
Schedule	rep No 16, 2004

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