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Ozone Protection Amendment Regulations 2004 (No. 1)¹

Statutory Rules 2004 No. 1²

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

Dated 19 FEB 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

DAVID KEMP
Minister for the Environment and Heritage

1 Name of Regulations

These Regulations are the *Ozone Protection Amendment Regulations 2004 (No. 1)*.

2 Commencement

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

3 Amendment of Ozone Protection Regulations 1995

Schedule 1 amends the *Ozone Protection Regulations 1995*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

after

Ozone Protection

insert

and Synthetic Greenhouse Gas Management

[2] Regulations 2, 3 and 4

substitute

2 Definition

In these Regulations:

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

3 Exemption (Act s 13)

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

- (a) in the case of the manufacture or import of an SGG by a person — that a permit for the manufacture or import of the quantity and kind of the SGG has been granted to the person under regulation 3A;
- (b) in the case of the manufacture of an SGG — that the manufacture consists of the formation of the SGG as a by-product of the manufacture of aluminium.

3A Permit for use of SGG in production or casting of magnesium

- (1) The Minister may grant a permit for a specified quantity of a specified SGG to be manufactured or imported for use in the production or casting of magnesium if the person proposing to manufacture or import it produces:
 - (a) if the SGG will be supplied to another person — a purchase order or similar document from the person to whom the SGG will be supplied; and
 - (b) a statement from the person intending to use the SGG that it will be used in the production or casting of magnesium.

Note See the *Criminal Code*, section 136.1, in relation to the making of false statements in applications for a licence, authority or benefit.

- (2) The permit must specify the period for which it remains valid.
- (3) The Minister may revoke the permit if:
 - (a) because of an event occurring before the SGG is manufactured or imported, the SGG is not able to be used for the purpose for which the permit was granted; or
 - (b) there is reason to believe that a quantity of the SGG has been diverted to another purpose.

3B Review of decisions under regulation 3A

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister:

- (a) to refuse to grant a permit under subregulation 3A (1); or

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- (b) to grant a permit with a particular period of validity; or
- (c) to revoke a permit.

3C Application fee for licence (Act s 14)

- (1) For paragraph 14 (1) (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 a pre-charged equipment licence — \$3 000.
- (2) The Minister may waive the payment, by a person, of an application fee under subregulation (1) if:
 - (a) the person applies for a controlled substances licence or a used substances licence to allow the manufacture, import or export of less than half a tonne of scheduled substances; and
 - (b) the Minister is satisfied that the import, export or manufacture is for test purposes.

4 Application fee for exemption (Act s 40)

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

[3] Regulation 6A

omit

payment of the fee

insert

payment of the application fee

[4] Schedule

omit

Notes

1. These Regulations amend Statutory Rules 1995 No. 389, as amended by 1999 No. 73; 2002 No. 8; 2003 No. 279.
2. Notified in the *Commonwealth of Australia Gazette* on *L* 2004. *26 February*