



Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2004

Statutory Rules No. 17, 2004

made under the

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995

Compilation No. 2

Compilation date: 1 August 2017

Includes amendments up to: F2017L00964

Registered: 4 August 2017

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2004* that shows the text of the law as amended and in force on 1 August 2017 (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 Legislation 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 series page on the Legislation 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2004*.

4 Definitions

In these Regulations:

Act means the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995*.

Management Regulations means the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

6 Conditions for exemption from import levy for SGG imported for destruction

- (1) This regulation specifies conditions for paragraph 3A(4)(b) of the Act.
- (2) A licensee must provide the Secretary evidence that:
 - (a) an agreement for the destruction to occur within 90 days of the SGG being imported has been entered into; and
 - (b) the SGG was destroyed within 90 days of the SGG being imported; and
 - (c) the destruction took place, or will take place, at:
 - (i) a refrigerant destruction facility approved under regulation 114 of the Management Regulations; or
 - (ii) an extinguishing agent destruction facility approved under regulation 306 of the Management Regulations.
- (3) The evidence must be provided to the Secretary:
 - (a) for paragraph (2)(a)—before the SGG is imported; and
 - (b) for paragraph (2)(b)—within 30 days of the destruction.
- (4) The evidence must be in a form approved by the Secretary.

7 Import levy—SGGs equipment

For subsection 4A(2)(a) of the Act, a metered dose inhaler that is used for medical purposes is prescribed.

8 Import levy rate—SGGs

For the definition of *prescribed rate* in subsection 3A(7) of the Act, the rate is \$165 per tonne.

9 Import levy rates—substances other than SGGs

For subsection 4(1) of the Act, the following rates of levy are prescribed:

- (a) for HCFCs—\$3 000 per ODP tonne;

(b) for methyl bromide—\$135 per tonne.

10 Import levy rate—SGG equipment

For the definition of *prescribed rate* in subsection 4A(5) of the Act, the rate is \$165 per tonne.

11 Import levy rate—ODS equipment

For the definition of *prescribed rate* in subsection 4B(4) of the Act, the rate is \$3 000 per ODP tonne.

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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazetta	Commencement	Application, saving and transitional provisions
17, 2004	26 Feb 2004	26 Feb 2004 (r 2)	
109, 2012	19 June 2012 (F2012L01250)	1 July 2012 (s 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017	28 July 2017 (F2017L00964)	Sch 1 (item 1): 1 Aug 2017 (s 2(1) item 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LA s 48D
r 3	rep LA s 48C; F2017L00964 (amdt never applied (Sch 1 item 1))
r 4	am No 109, 2012 ed C2
r 5	rs No 109, 2012 rep F2017L00964
r 6	ad No 109, 2012
r 7	ad No 109, 2012
r 8	ad No 109, 2012
r 9	ad No 109, 2012
r 10	ad No 109, 2012
r 11	ad No 109, 2012

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Heading to regulation 4**Kind of editorial change**

Change to grammar, syntax or the use of conjunctives or disjunctives

Details of editorial change

Schedule 1 item 1 of the *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Regulation 2012 (No. 1)* inserted the definition of **Management Regulations** in regulation 4.

Regulation 4 now has two definitions.

This compilation was editorially changed to omit the word “Definition” and insert the word “Definitions” in the heading to regulation 4 to correct this grammatical error.