



Australian Government

Department of the Environment and Heritage

## **Important information for Importers, Exporters and Manufacturers of Ozone Depleting Substances (ODS) and Synthetic Greenhouse Gases (SGG)**

Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (OPSGGMA), the following controls on manufacture, import and export apply:

- Any manufacture of Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and Bromochloromethane (BCM) and any import or export of HFCs, PFCs and BCM not contained in equipment other than equipment described in 2 below, is prohibited without a licence.
- Any import of air conditioning or refrigeration equipment containing HFCs or Hydrochlorofluorocarbon (HCFCs) is prohibited without a licence.
- Any manufacture, import or export of hydrochlorofluorocarbons (HCFCs) is prohibited without a licence and quota.
- Any manufacture, import or export of methyl bromide, chlorofluorocarbons (CFCs), methyl chloroform, carbon tetrachloride or halons is prohibited without a licence.
- Any manufacture or export of hydrobromofluorocarbons (HBFCs) is prohibited;
- Any import of HBFCs is prohibited without a licence;
- Any import or export of used or recycled CFCs, halons, carbon Tetrachloride or methyl chloroform is prohibited without a licence;
- Any import or manufacture of products specified in Schedule 4 of the OPSGGMA that contain or are designed to contain CFCs, halons, carbon tetrachloride or methyl chloroform is prohibited without an exemption.

Anyone requiring a licence or exemption for any of these activities needs to apply to the Minister for the Environment and Heritage for that licence/exemption.

## Licence/Exemption Applications

A person undertaking any of these activities is required to apply for one or all of the following licences/exemptions:

### **Controlled Substances Licence**

- To manufacture, import or export of Synthetic Greenhouse Gas (HFCs and PFCs), HCFCs or methyl bromide

### **Essential Uses Licence**

- To manufacture, import or export BCM, CFC, halons, methyl chloroform and carbon tetrachloride

### **Pre-charged Equipment Licence**

- Allows the licensee to import pre-charged equipment. (Pre-charged *equipment means air-conditioning equipment or refrigeration equipment that contains a substance that is or contains an HFC/HCFC*).

### **Used Substances Licence**

- To import or export used or recycled BCM, CFC, HCFC, methyl bromide, halons, methyl chloroform and carbon tetrachloride.

### **Section 40 Exemption**

- To manufacture and/or import products specified in Schedule 4 of the OPSGGMA that contain or are designed to contain CFC, halon, carbon tetrachloride or methyl chloroform.

## Application Fees

Application fees are:

### **Controlled Substances Licence**

- Application Fee: \$15,000

### **Essential Uses Licence**

- Application Fee: \$3,000

### **Pre-charged Equipment Licence**

- Application Fee: \$3,000

### **Used Substances Licence**

- Application Fee: \$15,000

### **Section 40 Exemption**

- Application Fee: \$3,000

**The application fee is payable at the time of lodging your application.**

**The application fee is non-refundable**

## **Application Forms**

An application form has been included with the information package. Please complete each section of the application form. Attach additional information if required.

## **Payment Arrangements**

The application fee is to be paid by electronic funds transfer (EFT) or cheque made out to the Department of the Environment and Heritage, and submitted with your licence/exemption application form. Details for EFT are as follows:

Bank: Reserve Bank of Australia  
Address: London Circuit, Canberra ACT 2600  
BSB: 092009  
Account Name: EFT Settlement Account  
Account Number: 115859  
Reference: Ozone Protection - contact Nicola Goboly

Licences/exemptions will not be granted by the Minister until the prescribed licence/exemption fee has been received and cleared by the Commonwealth.

## **Duration of Licences/Exemptions**

The duration of each licence/exemption for this round of applications will be:

- Controlled Substances Licence - from 1 April 2004 to 31 December 2005
- Essential Uses Licence - from 1 April 2004 to 31 December 2004
- Used Substances Licence – from 1 April 2004 to 31 December 2005
- Pre-charged Equipment Licence – from 1 April 2004 to 31 December 2005
- Used Substances Licence - as specified on the exemption instrument
- Section 40 exemption – as specified on the exemption instrument

## Pre-charged Equipment that requires a Licence

Examples of the types of pre-charged equipment could include, but are not limited to:

- Air conditioners :** window or wall types, self contained or split systems;  
in motor vehicles;  
incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle.
- Refrigerators/Freezers:** combined refrigerators-freezers;  
refrigerators (compression or absorption);  
freezers (chest or upright);  
other refrigerating or freezer cabinets, display counters, show-cases and similar refrigerating freezing appliances;  
industrial ice making machines or domestic and commercial ice-cream making machines.

## Reporting Requirements and Format

Holders of a **controlled substances licence** to manufacture, import or export Synthetic Greenhouse Gases (SGGs) are required to provide quarterly reports to the Minister on:

- the quantity of HFC-134a imported, expressed in CO<sub>2</sub> equivalent tonnes.
- each kind of secondary SGG imported/exported and the total amount exported/imported, expressed in CO<sub>2</sub> equivalent tonnes;
- the amount of exotic SGG imported and exported, expressed in CO<sub>2</sub> equivalent tonnes.

Reporting for holders of a controlled substances licence is required under regulation 900 of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995. A copy of the regulation is attached to this document.

An EXCEL(TM) spreadsheet has been prepared to assist in completing reporting obligations for holders of a controlled substances licence.

Holders of a **controlled licence** to manufacture, import or export HCFC or methyl bromide and holders of an **essential uses licence** are required to provide quarterly reports to the Minister on:

- the quantity of substances imported, including country of origin;
- the quantity of substances exported, including country of destination; and/or,
- quantity of substances manufactured, recycled or destroyed.

Holders of a **pre-charged equipment licence** are required to provide quarterly reports to the Minister on:

- the number of units in each category of pre-charged equipment imported;
- if any equipment contained HFC or HCFC, the total amount of these substances imported; and
- for each category of pre-charged equipment imported, the total amount of each of kind of HFC and HCFC contained in the category.

Reporting for holders of a pre-charged equipment licence is required under regulation 901 of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995. A copy of the regulation is attached to this document.

An EXCEL(TM) spreadsheet has been prepared to assist in completing reporting obligations for holders of a pre-charged equipment licence.

Holders of a **Used Substances licence** are required to provide quarterly reports to the Minister on:

- the quantity of substances imported, including country of origin;
- the quantity of substances exported, including country of destination; and/or,
- quantity of substances destroyed.

Holders of a **Section 40 Exemption** to import and/or manufacture aerosol products containing CFC are required to provide quarterly reports to the Minister on:

- the number of units of each product manufactured in Australia under this exemption and the total quantity of CFC contained in those products;
- the number of units of each product exported from Australia under this exemption, and the total quantity of CFC contained in those products; and
- stocks held of each product manufactured under this exemption.

Holders of a **Section 40 Exemption** to import products containing halon are required to provide reports to the Minister on:

- the quantities of halon contained in products imported under an exemption by the 15th day of January of each year; and
- any discharges of halon from equipment imported under an exemption and the circumstances of the discharges by the 15th day of January each year.

## **Product Stewardship Requirement**

Holders of a Controlled Substances or Pre-charged Equipment licence are required, as a condition on their licence, to demonstrate appropriate product stewardship arrangements for the products imported by the licensee. Licensees are responsible for minimising emissions of the product imported, particularly at the end of the product's life, where emissions are most prevalent.

The Department of the Environment and Heritage considers membership of a suitable Product Stewardship Scheme to be an appropriate method of managing the licensee's product stewardship responsibility. The Department of the Environment and Heritage does not stipulate how Product Stewardship Schemes operate. It is, however, expected that a suitable Product Stewardship Scheme will be able to effectively manage the importer's responsibility for the refrigerant gases at the end of life, including having appropriate arrangements for collection and recycling and/or destruction of the product.

Membership of a Product Stewardship Scheme is not the only way a licensee can meet product stewardship responsibilities. The Department of the Environment and Heritage will consider alternative proposals that deliver the same outcome. Alternative proposals will need to address how the licensee will manage product stewardship responsibilities, including end of life management or delivery of similar emission abatement.

### **Details of Offences and Financial Penalties**

It is an offence to manufacture, export, or import ODS or SGG and to import pre-charged equipment containing ODS or SGG without a licence. It is an offence to import or manufacture products specified in Schedule 4 of the OPSGGMA that contain or are designed to contain CFC, halon, carbon tetrachloride or methyl chloroform without an exemption. It is also an offence to contravene conditions of your licence. The maximum penalty is up to \$55,000 for a person or \$275,000 for a body corporate. Lesser penalties apply to other offences.

You should also be aware that a licence/exemption may not be renewed or may be terminated if you are prosecuted for a breach of the Act.

### **Licensee Details**

A licence can be granted to an individual or a body corporate. An exemption can be granted to a foreign corporation, trading corporation, financial corporation or a body corporate as defined in section 37 of the OPSGGMA. Please provide the proposed licensee details in your application form.

## If Your Application is Refused - Right of Review

You will be advised in writing if your application is refused. The applicant may make an application for an independent review of the decision to the Administrative Appeals Tribunal (AAT) within 28 days of receipt of the reason for the decision. Applications should be made to the Deputy Registrar of the AAT in your capital city.

A licence may be refused for one or more of the following reasons:

- the person has been convicted of an offence against the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (formerly known as the *Ozone Protection Act 1989*) or the Regulations committed within the 10 years immediately preceding the making of this application;
- the person has been convicted of an offence against a law of the Commonwealth, of a State or of a Territory that is punishable by imprisonment for a period of 6 months or longer, being an offence committed within the 10 years immediately preceding the making of the application;
- the person has been declared bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with creditors or has made an assignment of remuneration for their benefit;
- any statement by the person in the application that was false or misleading in a material particular;
- any statement by the person in the application was false or misleading in a material particular—whether the person knew that the statement was false or misleading;
- the person has contravened a condition of a licence; and,
- the person held a licence that was cancelled under section 20 of the Act.

The Minister or delegate may take into account others matters that are deemed relevant.

An exemption may be refused if the Minister is not satisfied that:

- the product is essential for medical, veterinary, defence, industrial safety or public safety purposes; and
- no practical alternative exists to the use of scheduled substances in the operation or manufacture, as the case requires, of the product if it is to continue to be effective for such a purpose; or
- that, because of the requirements of a law concerning the manufacture or use of the product, there is no practical alternative to the use of

scheduled substances in the operation or manufacture, as the case requires, of the product; or

- the product is for use in conjunction with the calibration of scientific, measuring or safety equipment.

You should be aware that the application fee is non-refundable.

## **Licence (activity) Levy**

A Licence levy is based on the quantity of substances imported or manufactured and is payable at the end of each quarter. Licence levies are:

### **Controlled Substances Licence**

- HCFC - \$3,000 per ozone depleting potential (ODP) tonne<sup>1</sup>
- SGG - \$165 per metric tonne
- Methyl bromide - \$165 per metric tonne

### **Pre-charged Equipment Licence**

- HCFC - \$3,000 per ODP tonne
- HFC - \$165 per metric tonne.

(ODP tonne = metric tonne x ozone depleting potential (ODP) of the HCFC in question. ODP for each HCFC is specified in Schedule 1, Part V of the OPSGGMA.)

### **Please send your application and application fee to:**

Ozone and Synthetic Gas Team  
Department of Environment and Heritage  
GPO Box 787  
CANBERRA ACT 2601  
(**Attention:** Licence Coordinator)  
For enquiries telephone 02 6274 1373 or email [ozone@deh.gov.au](mailto:ozone@deh.gov.au)

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT  
REGULATIONS 1995  
- REG 900  
Import or export of SGGs (Act s 46)**

(1) In this regulation:

*exotic SGG* means a substance mentioned in column 2 of an item in table 900-2.

*secondary SGG* means an SGG mentioned in column 2 of an item in table 900-1.

(2) A report given by a person to the Minister for subsection 46 (1B) of the Act must be prepared in accordance with this regulation.

*Note* Subsection 46 (1B) of the Act provides that a person who imports or exports an SGG in a quarter must give a report to the Minister within 15 days of the end of the quarter.

(3) The person must keep a copy of the report for 7 years from the date the report is submitted to the Minister.

(4) The report must state the following:

- (a) the name and address of the person;
- (b) the combination of numbers, letters and symbols used to provide a unique identifier for the licence granted to the person under section 16 of the Act;
- (c) the quarter to which the report relates;
- (d) the amount (if any) of HFC-134a imported by the person and the amount (if any) exported during the quarter, expressed in CO<sub>2</sub> equivalent tonnes;
- (e) if the person imported or exported any secondary SGGs during the quarter:
  - (i) each kind of secondary SGG imported and each kind exported; and
  - (ii) the total amount of secondary SGGs imported and the total amount exported during the quarter, expressed in CO<sub>2</sub> equivalent tonnes;
- (f) if the person imported or exported any exotic SGGs during the quarter:
  - (i) the amount of exotic SGGs imported and the amount exported during the quarter expressed in CO<sub>2</sub> equivalent tonnes; and
  - (ii) whether any exotic SGG mentioned in items 9 to 15 of table 900-2 was imported or exported.

*Note* The SGGs mentioned in items 9 to 15 of table 900-2 are PFCs.

(5) For paragraphs (4) (d) and (e), and subparagraph (4)(f)(i), the *CO<sub>2</sub> equivalent tonnes* of an amount of an SGG is the weight in tonnes of the SGG multiplied by:

- (a) for HFC-134a — 1 300; or
- (b) for a secondary SGG — the factor mentioned in column 3 of the item in table 900-1 in which the SGG appears in column 2; or
- (c) for an exotic SGG — the factor mentioned in column 3 of the item in table 900-2 in which the SGG appears in column 2.

**Table 900-1 Secondary SGGs**

Item	SGG	CO <sub>2</sub> equivalent
1	HFC-23	11 700
2	HFC-32	650
3	HFC-43-10mee	1 300
4	HFC-125	2 800
5	HFC 143a	3 800
6	HFC-152a	140
7	HFC-227ea	2 900
8	HFC-236fa	6 300
9	HFC-245fa	950
10	HFC-365mfc	1 300

**Table 900-2 Exotic SGGs**

Item	SGG	CO <sub>2</sub> equivalent
1	HFC-41	150
2	HFC-134	1 000
3	HFC-143	300
4	HFC-152	140
5	HFC-161	12
6	HFC-236cb	1 300
7	HFC-236ea	1 200
8	HFC-245ca	560
9	CF <sub>4</sub>	6 500
10	C <sub>2</sub> F <sub>6</sub>	9 200
11	C <sub>3</sub> F <sub>8</sub>	7 000
12	C <sub>4</sub> F <sub>10</sub>	7 000
13	c-C <sub>4</sub> F <sub>8</sub>	8 700
14	C <sub>5</sub> F <sub>12</sub>	7 500
15	C <sub>6</sub> F <sub>14</sub>	7 400

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT  
REGULATIONS 1995  
- REG 901  
Importation of pre-charged equipment (Act s 46)**

(1) In this regulation:

*category of pre-charged equipment* means a category of pre-charged equipment mentioned in column 2 of an item in table 901.

(2) A report given by a person to the Minister for subsection 46 (1C) of the Act must be in accordance with this regulation.

*Note* Subsection 46 (1C) of the Act provides that a person who imports certain pre-charged equipment in a quarter must give a report to the Minister within 15 days of the end of the quarter.

(3) The person must keep a copy of the report for 7 years from the date the report is submitted to the Minister.

(4) The report must state the following:

- (a) the name and address of the person;
- (b) the combination of numbers, letters and symbols used to provide a unique identifier for the licence granted to the person under section 16 of the Act;
- (c) the quarter to which the report relates;
- (d) the number of units in each category of pre-charged equipment that the person imported during the quarter;
- (e) if any of the equipment contained HFC — the total amount of the HFC that the person imported during the quarter;
- (f) if any of the equipment contained HCFC — the total amount of the HCFC that the person imported during the quarter;
- (g) for each category of pre-charged equipment imported by the person during the quarter — the total amount of each kind of HFC and the total amount of each kind of HCFC contained in the category.

**Table 901 Categories of pre-charged equipment**

<b>Item</b>	<b>Category</b>
1.	Commercial portable refrigerators
2.	Commercial refrigerated cabinets
3.	Other commercial refrigeration equipment
4.	Domestic refrigerators and freezers
5.	Vehicle powered truck refrigerator
6.	Self-powered truck or trailer refrigerator
7.	Refrigerated portable air conditioning
8.	Single head split system air conditioning
9.	Multi head/variable reverse flow (vrf) split system air conditioning
10.	Packaged window air conditioning
11.	Packaged water cooled air conditioning
12.	Packaged air cooled air conditioning
13.	High pressure chillers
14.	Low pressure chillers
15.	Cabin air conditioning for a motor vehicle of 3.5 tonnes gross vehicle mass or less
16.	Cabin air conditioning for a motor vehicle of more than 3.5 tonnes gross vehicle mass