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ENVIRONMENTAL PROTECTION ACT 1986

**ENVIRONMENTAL
PROTECTION (OZONE
PROTECTION) POLICY
APPROVAL ORDER 2000**

Environmental Protection Act 1986

Environmental Protection (Ozone Protection) Policy Approval Order 2000

Made by the Minister under section 31(d).

1. Citation

This order may be cited as the *Environmental Protection (Ozone Protection) Policy Approval Order 2000*.

2. Approval and commencement of environmental protection policy

The environmental protection policy set out in the Schedule —

- (a) is approved; and
- (b) shall have the force of law on and from the day of its publication in the *Government Gazette*.

3. Revocation of previous policy

The *Environmental Protection (Ozone Protection) Policy 1993* is revoked.

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[cl. 2]

Environmental Protection Act 1986

Environmental Protection (Ozone Protection) Policy 2000

Approved by the Minister under section 31(d).

Part 1 — Preliminary

1. Citation

This environmental protection policy may be cited as the *Environmental Protection (Ozone Protection) Policy 2000*.

2. Application

This environmental protection policy applies throughout the State.

3. Purpose of this environmental policy

The purpose of this environmental protection policy is to minimise the discharge into the environment of ozone-depleting substances and, in doing so, to help protect the living environment from being harmed by increasing amounts of ultraviolet radiation reaching the surface of the Earth as a result of the reduction of the quantity of ozone present in the upper atmosphere caused by the release of ozone-depleting substances.

4. Interpretation

(1) In this policy —

“**alternative refrigerant**” means a refrigerant used to replace an ozone-depleting refrigerant;

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“business” means a body corporate, or a commercial undertaking or enterprise in respect of any profession, trade or calling within the State which —

- (a) designs, manufactures, installs, commissions, services or decommissions a controlled article or cooling equipment;
- (b) sells any ozone-depleting substance or alternative refrigerants; or
- (c) offers or provides training in the design, manufacture, installation, commissioning, servicing or decommissioning of equipment containing or likely to contain an ozone-depleting substance or alternative refrigerants, for a use where previously an ozone-depleting substance had been used;

“CFC” means chlorofluorocarbon;

“controlled article” means an article or thing (including plant or equipment) that uses, or is designed or intended to use, an ozone-depleting substance in its operation, but does not include cooling equipment;

“cooling equipment” means a device which —

- (a) uses the recirculation of an ozone-depleting substance or alternative refrigerant through an evaporation and condensation cycle in order directly or indirectly to cool or heat —
 - (i) the ambient environment within wholly or partially enclosed spaces; or
 - (ii) any object or objects;

or

- (b) is constructed or adapted for the purification of ozone-depleting substances or alternative refrigerant;

“decommission”, in relation to equipment, means —

- (a) to dismantle the equipment or render the equipment inoperable;
- (b) to reclaim the gas from the equipment and reuse it (subject to this policy); or

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(c) to store the gas until its destruction, prior to the equipment being scrapped, relocated or used for some other purpose;

“halon” means a substance listed in the Schedule, Annex A, Group II;

“issuing body” means —

- (a) the Chief Executive Officer; or
- (b) an individual, body or association that is approved for the time being by the Chief Executive Officer under Part 4 as an issuing body for the particular type of authorisation concerned;

“non-refillable or disposable”, in relation to a gas cylinder, means a cylinder which is built to the standards in, and complies with, AS 2030.1;

“number designation”, in relation to an ozone-depleting substance or alternative refrigerant, means —

- (a) except in relation to a halon, the number designation of a substance as specified in AS 4484 and AS/NZS 1677.1; or
- (b) in relation to a halon, the number specified in the Schedule;

“ozone-depleting substance” means a substance listed, or referred to, in the Schedule, whether existing alone or mixed with any other substance;

“packaging material” means a material that is primarily intended to be used for wrapping, protecting or containing (or partially wrapping, protecting or containing) any substance or thing;

“portable halon fire extinguisher” means a portable fire extinguisher containing halon or a mixture that includes a halon;

“pressure pack” means a container —

- (a) that is designed to be hand held;
- (b) the contents of which includes an ozone-depleting substance that provides, either solely or in a mixture with any other substance, the pressure required to expel any contents from the container into the atmosphere; and
- (c) that is designed to be discarded after the contents have been expelled or substantially expelled;

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“reclamation equipment” means a device that is —

- (a) designed to remove an ozone-depleting substance or alternative refrigerant from equipment with little or no discharge of the ozone-depleting substance or alternative refrigerant into the environment;
- (b) available in Australia to persons carrying on the business of the installation, commissioning, servicing or decommissioning of cooling equipment; and
- (c) complies with AS 4211.3;

“restricted activity” means —

- (a) the design, manufacture, installation, servicing commissioning or decommissioning of a controlled article or cooling equipment; or
- (b) dry cleaning involving the use of an ozone-depleting substance,

and the training of individuals who are to carry out the activities described in paragraph (a) or (b);

“service”, in relation to a controlled article or cooling or heating equipment, means any installation, commissioning, service, repair, decommissioning, maintenance or adjustment of the article or equipment which involves the risk of the release of an ozone-depleting substance or alternative refrigerant from that article.

- (2) In this policy, the meanings of references to particular standards are as follows:

“AS 2030.1” means Australian Standard AS 2030.1-1999 (The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases – Cylinders for compressed gases other than acetylene) published by the Standards Association of Australia;

“AS 4211.3” means Australian Standard AS 4211.3-1996 (Gas recovery or combined recovery and recycling equipment - Fluorocarbon refrigerants from commercial/domestic refrigeration and air conditioning systems) published by the Standards Association of Australia;

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“**AS 4484**” means Australian Standard AS 4484-1997 (Industrial, medical and refrigerant compressed gas cylinder identification) published by the Standards Association of Australia;

“**AS/NZS 1677**” means Australian/New Zealand Standard AS/NZS 1677-1998 (Refrigerating systems) published by the Standards Association of Australia;

“**SAA HB40.1**” means Australian Standard SAA HB40.1-1997 (The Australian Refrigeration and Air Conditioning Code of Good Practice) published by the Standards Association of Australia.

- (3) Words and expressions that are given a meaning in the Act have that meaning in this policy.

5. Certain purchases and sales of ozone-depleting substances or alternative refrigerants to be disregarded

- (1) For the purposes of this policy, a person is not to be regarded as purchasing or selling an ozone-depleting substance or alternative refrigerant merely because the person purchases or sells —
- (a) a domestic refrigerator containing less than 480g of a substance listed in the Schedule;
 - (b) a domestic freezer containing less than 360g of a substance listed in the Schedule;
 - (c) a complete air conditioning unit, which does not require interconnecting pipe work, containing less than 1800g of a substance listed in the Schedule; or
 - (d) a controlled article or any other thing that, in the opinion of the Chief Executive Officer, contains a substance listed in the Schedule in minute or residual quantities only.
- (2) To avoid doubt, it is noted that the sale of any cooling equipment, including split air conditioning systems, containing an ozone-depleting substance or alternative refrigerant not included in (a), (b), (c) or (d) above, requires the person or business to be authorised under this policy.

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6. Continued use of certain products containing ozone-depleting substances

- (1) Subject to subclause (2), a person may use, store, sell or dispose of, a product containing an ozone-depleting substance if the product was manufactured or imported before this policy came into operation.
- (2) A person shall not —
 - (a) use, store, sell or dispose of a portable fire extinguisher containing halon 1211 (*a BCF fire extinguisher*);
 - (b) store or dispose of a refrigerator (other than a domestic refrigerator containing less than 480g of a substance listed in Annex A, Annex B or Annex C of the Schedule), or air conditioner that contains a substance listed in Annex A, Annex B or Annex C of the Schedule; or
 - (c) dispose of a motor vehicle air conditioner,

whether manufactured or imported before or after this policy came into operation.

Part 2 — General restrictions on sale, purchase, and use of ozone-depleting substances or alternative refrigerants**Division 1 — Restrictions on sellers****7. Authorisation required to sell ozone-depleting substances**

An individual or business shall not sell an ozone-depleting substance or alternative refrigerant unless that person is authorised to do so, and does so in accordance with any conditions to which the authorisation is subject.

8. Sale to unauthorised purchaser prohibited

An individual or business shall not sell an ozone-depleting substance or alternative refrigerant to a person unless that person is authorised to purchase it, and can provide evidence of the authorisation to the seller.

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- 9. Seller to supply, and accept return of, containers for reclaiming**
- (1) A person (“the supplier”) who is authorised to sell an ozone-depleting substance or alternative refrigerant shall, on request by a person (“the purchaser”) who is authorised to purchase the substance —
- (a) supply to the purchaser a container that complies with subclause (2) and which is suitable to be used for returning the substance to that supplier when it is reclaimed; and
 - (b) accept the substance when it is returned to the supplier in a container that was supplied by that supplier and complies with subclause (2).
- (2) A container must be clearly marked with the following —
- (a) the word “RECLAIMED”;
 - (b) the number designation of the substance and its colour code (as specified in AS 4484);
 - (c) the name of the supplier; and
 - (d) a statement that the container is to be used only for the storage and return of the substance indicated.
- (3) A person shall not return a container, marked in accordance with subclause (2), to the supplier if that container contains any substance other than the substance indicated on the container, unless the container is clearly marked so as to indicate —
- (a) that it contains a mixture of substances; or
 - (b) that the substance is adulterated, or suspected to be adulterated.
- (4) This clause does not prevent a supplier from imposing a charge for supplying, or accepting the return of, a container under this clause.
- (5) This clause does not apply in respect of a halon, or CFC with the number designation 113.

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Division 2 — Restrictions on purchasers**10. Authorisation required for both individuals and businesses to purchase ozone-depleting substances or alternative refrigerants**

An individual, business or individual acting on behalf of a business, shall not purchase an ozone-depleting substance or alternative refrigerant unless that individual or business is, or both the business and that individual are (as the case may be), authorised to do so by an issuing body, and do so in accordance with any conditions to which the authorisation is subject.

11. Record keeping by persons holding authorisations

- (1) An individual or business authorised to sell and/or purchase or import an ozone-depleting substance or alternative refrigerant shall make and retain a record of each sale or purchase of an ozone-depleting substance or alternative refrigerant specifying —
 - (a) the name and address of the individual or business from whom the substance was purchased, or to whom the substance was sold;
 - (b) the name of the substance purchased or sold (as set out in the Schedule) and the quantity purchased or sold; and
 - (c) the date that the substance was purchased or sold.
- (2) Subject to subclause (3), an individual or business referred to in subclause (1) shall ensure that the records are —
 - (a) in writing;
 - (b) retained for a minimum of 2 years after they are made; and
 - (c) furnished to the issuing body on request.
- (3) An individual or business referred to in subclause (1) that imports an ozone-depleting substance into the State, shall furnish to the Chief Executive Officer the records relating to the importation of the ozone-depleting substances —
 - (a) for the 6 month period commencing 1 January to 30 June each year, on or before 31 July of that year; and
 - (b) for the 6 month period commencing 1 July to 31 December each year, on or before 31 January of the following year.

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Division 3 — Restrictions on activities involving ozone-depleting substances**12. Authorisation required to engage in various activities**

- (1) An individual or business shall not engage in a restricted activity unless that individual or business —
 - (a) is authorised to do so, or is acting under the direct and immediate supervision of an individual authorised to do so; and
 - (b) does so in accordance with any conditions of the relevant authorisation.
- (2) In addition to subclause (1), an individual or business shall not sell refrigeration units, including split system air conditioners, which contain an ozone-depleting substance or alternative refrigerant, unless that individual or business is authorised to do so by the Chief Executive Officer.

13. Restrictions on the granting of authorisation

An issuing body may only grant an authorisation to an individual or business to engage in a restricted activity if the issuing body is satisfied that the individual or business has an adequate knowledge of this policy, and is satisfied —

- (a) that the individual or business has demonstrated —
 - (i) an adequate awareness of the health and environmental effects of stratospheric ozone depletion and the need to minimise emissions of ozone-depleting substances to protect the stratospheric ozone layer;
 - (ii) an adequate knowledge of the Standards set out in clause 4(2); and
 - (iii) that the business has the appropriate equipment, including high vacuum pump, leak detection and refrigerant reclaim equipment;

or

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- (b) that the individual or business —
 - (i) is currently authorised to engage in a restricted activity by another State, and
 - (ii) has the appropriate equipment, as specified by the issuing body.

Part 3 — Additional restrictions on particular activities involving ozone-depleting substances**Division 1 — Foams****14. Discharge of ozone-depleting substances when making foams**

- (1) A person shall not cause or allow the discharge of an ozone-depleting substance into the environment during the manufacturing of polyurethane or phenolic foam unless that person does so in accordance with this policy.
- (2) The discharge of an ozone-depleting substance under subclause (1) may occur if that discharge occurs —
 - (a) during the process of manufacturing —
 - (i) polyurethane foam; or
 - (ii) phenolic foam,utilising best practice methods as approved by the Chief Executive Officer; or
 - (b) in a closed system whereby all ozone-depleting substances are recovered/recycled for reuse.

15. Rigid polyurethane foam

- (1) A person shall not use a substance listed in Annex A or Annex B of the Schedule in the manufacture of any rigid polyurethane foam.
- (2) A person shall not sell rigid polyurethane foam for use as packaging material if a substance listed in Annex A or Annex B of the Schedule was used in the manufacture of that foam.

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16. Moulded flexible polyurethane foams

A person shall not use a substance listed in Annex A or Annex B of the Schedule in the manufacture of any moulded flexible, or slab stock, polyurethane foams.

17. Extruded polystyrene packaging and insulation materials

- (1) A person shall not sell any extruded polystyrene product if that product is to be used for packaging or as insulation material and —
- (a) the product contains a substance listed in Annex A or Annex B of the Schedule; or
 - (b) a substance listed in Annex A or Annex B of the Schedule was used in the manufacture of that product.
- (2) In this clause —
- “insulation material”** means a material that is primarily used in sheet foam to provide thermal insulation.

18. Phenolic foams

A person shall not use a substance listed in Annex A or Annex B of the Schedule in the manufacture of any phenolic foam.

Division 2 — Solvents and cleaning agents**19. Dry cleaning**

- (1) A person who operates or services dry cleaning equipment that uses an ozone-depleting substance in its operation shall ensure that there is no discharge of any ozone-depleting substance into the environment as a result of the operation or servicing of that equipment.
- (2) A person shall not manufacture or sell machinery that is —
- (a) to be used for dry cleaning fabric or leather goods; and
 - (b) capable of being operated only using an ozone-depleting substance.

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20. Solvents

A person who operates or services equipment that uses an ozone-depleting substance as a solvent for cleaning or degreasing shall ensure that the substance used is not released into the atmosphere, and that any of that substance that would otherwise be released is reclaimed.

Division 3 — Portable halon fire extinguishers**21. Restriction on the sale of portable halon fire extinguishers**

- (1) A person shall not sell a portable halon fire extinguisher unless —
 - (a) the person has been authorised by the Chief Executive Officer to sell portable halon fire extinguishers;
 - (b) the particular sale has been approved in writing by the Chief Executive Officer; and
 - (c) any conditions to which the Chief Executive Officer's approval is subject are displayed on a label affixed or attached to the particular extinguisher at the time of sale.
- (2) The Chief Executive Officer may give approval for the sale of an extinguisher only if satisfied that, in the circumstances in which the extinguisher is to be available for use, there is no acceptable alternative means of fire protection available and that the availability of the extinguisher in those circumstances is necessary —
 - (a) to protect persons in a situation where human occupancy is essential and timely evacuation is not possible;
 - (b) to facilitate the continued operation of equipment, the operation of which is necessary to protect human life; or
 - (c) to protect equipment, the operation of which is critical to the community (*eg. where a fire-caused loss of equipment or a fire-caused loss to the operation of the equipment or to the facilities provided by the operation of the equipment may have far reaching consequences*).
- (3) The Chief Executive Officer may impose conditions on his or her approval, including conditions as to the place and manner in which the extinguisher may be kept or used.

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- (4) A person shall not deface or remove a label affixed or attached to a portable halon extinguisher for the purposes of this clause.

22. Person in possession of a portable halon fire extinguisher

- (1) A person shall not possess a portable halon fire extinguisher unless the person has obtained the approval of the Chief Executive Officer under this Division.
- (2) A person who has possession of a portable halon fire extinguisher due to an approval under this Division shall —
- (a) while possession is approved, comply with any conditions displayed on a label that has been affixed or attached to that extinguisher under clause 21; and
 - (b) ensure, when the possession is not longer approved, that the portable halon fire extinguisher is decommissioned, and that any halon it contains is reclaimed.

23. Possession of extinguishers may be approved

- (1) The Chief Executive Officer may approve, in writing, the continued possession of a specified extinguisher by a person.
- (2) The Chief Executive Officer may only give approval under subclause (1) if satisfied that the criteria set out in clause 21(2) could be satisfied if the extinguisher were to be sold under clause 21(1).
- (3) The Chief Executive Officer may impose conditions on approval given under subclause (1), including but not limited to conditions as to the place and manner in which the extinguisher can be kept and used.
- (4) A person in possession of an extinguisher due to an approval under subclause (1) shall comply with any condition to which the approval is subject.

24. Discharge prohibited except to extinguish fire

A person shall not discharge a portable halon fire extinguisher except for the purpose of extinguishing a fire in an emergency.

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Division 4 — Fixed halon flooding systems**25. Interpretation**

In this Division, the “**appropriate agency**” is the Chief Executive Officer, or such other person or body as the Chief Executive Officer directs, by notice published in the *Government Gazette*, to be the appropriate agency for the purposes of any notification under this Division.

26. Decommissioning of existing fixed halon flooding systems

- (1) The occupier of premises on which an existing fixed halon flooding system is installed shall ensure that the fixed halon flooding system is decommissioned, and that any halon it contains is reclaimed, by 30 September 2001.
- (2) On application by the occupier, the Chief Executive Officer may grant an exemption to subclause (1) if satisfied of the same things that are required for approval of installation under clause 28(2).

27. Use and testing of fixed halon flooding systems

- (1) A person shall not test a fixed halon flooding system in a manner that will result in the release of a halon into the atmosphere.
- (2) A person shall not discharge a fixed halon flooding system except for the purpose of extinguishing a fire in an emergency.

28. Installation of fixed halon flooding systems

- (1) A person shall not install, or cause to be installed, a fixed halon flooding system except with the written approval of the Chief Executive Officer, and in accordance with any conditions which may be imposed by the Chief Executive Officer on that approval.
- (2) The Chief Executive Officer may give approval for the installation of a fixed halon flooding system only if satisfied that, in the circumstances in which the system is to be used, there is no acceptable alternative means of fire protection available and that the installation of the system in those circumstances is necessary —
 - (a) to protect persons in a situation where human occupancy is essential and timely evacuation is not possible;

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- (b) to facilitate the continued operation of equipment, the operation of which is necessary to protect human life; or
- (c) to protect equipment, the operation of which is critical to the community (*eg. where a fire-caused loss of equipment or a fire-caused loss to the operation of the equipment or to the facilities provided by the operation of the equipment may have far reaching consequences*).

29. Discharges of halon to be notified

The occupier of premises on which a fixed halon flooding system is installed shall notify in writing the appropriate agency within 30 days of any discharge of halon from the system, stating the reason for the discharge.

30. Manufacture, etc., of halon systems

A person who manufactures or services a fixed halon flooding system shall ensure that there is no discharge of any ozone-depleting substance into the environment as a result of the manufacture or servicing of that system.

31. Halon to be reclaimed when system serviced or decommissioned

The occupier of premises on which a fixed halon flooding system is installed shall ensure that when the system is serviced or decommissioned any halon that would otherwise be released is reclaimed.

Division 5 — Sterilisation equipment**32. Sterilisation equipment not to contain ozone-depleting substances**

A person shall not —

- (a) manufacture;
- (b) sell; or
- (c) supply,

sterilising equipment only using, or intended to use, ozone-depleting substances.

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Schedule**Division 6 — Aerosols****33. Control of pressure packs**

A person shall not —

- (a) bring or attempt to bring into the State for the purposes of sale by any person;
- (b) make, assemble, alter or adapt; or
- (c) sell,

any pressure pack that contains a substance listed in Annex A or Annex B of the Schedule, or cause or permit the doing of any of those things, unless that person has been granted an exemption in relation to that pressure pack under section 40 of the *Ozone Protection Act 1989* of the Commonwealth.

Division 7 — Refrigerants**34. Australian Standards to be observed**

A person who carries out the design, manufacture, installation, commissioning, service or decommissioning of an item of refrigeration or air conditioning equipment containing (or likely to contain) an ozone-depleting or alternative refrigerant, shall do so in accordance with AS 1677 and AS 4211.3.

35. Servicing of cooling equipment

- (1) Subject to subclause (2), a person who services an item of refrigeration or air conditioning equipment shall —
 - (a) in so doing prevent the discharge of the ozone-depleting substance or alternative refrigerant contained in that item into the environment (whether with or without the use of reclamation equipment);
 - (b) in transferring an ozone-depleting substance or alternative refrigerant to or from that item ensure that none of the ozone-depleting substance or alternative refrigerant is discharged into the environment; and

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- (c) generally, ensure there is no discharge of an ozone-depleting substance or alternative refrigerant into the environment as a result of the servicing of that equipment.
- (2) A person does not commit an offence under subclause (1) if the relevant ozone-depleting substance or alternative refrigerant is discharged into the environment —
 - (a) when reclamation equipment is being used, only in amounts to be expected with —
 - (i) the reclamation equipment working properly and in accordance with the instructions of its manufacturer; and
 - (ii) the refrigeration or air conditioning equipment working properly and in accordance with its design specifications;
 - (b) when reclamation equipment is not being used, only in amounts to be expected with the refrigeration or air conditioning equipment working properly and in accordance with its design specifications;
 - (c) during the transfer of an ozone-depleting substance or alternative refrigerant to or from the refrigeration or air conditioning equipment, only in amounts to be expected during the execution of such a transfer, if those amounts of ozone-depleting substance or alternative refrigerant are minimal; or
 - (d) through leaks caused by the failure, which cannot reasonably be foreseen or prevented, of the refrigeration or air conditioning equipment or reclamation equipment.

Division 8 — Transportable containers**36. Filling of transportable containers with ozone-depleting substances**

When filling a transportable container with an ozone-depleting substance, a person shall not cause the discharge of any ozone-depleting substance into the environment by exceeding the maximum carrying capacity of the container as defined by Table 3 of AS 2030.1.

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Division 9 — General**37. Discharge of ozone-depleting substances in specified circumstances**

- (1) Subject to this policy, a person shall not cause or allow the discharge of an ozone-depleting substance into the environment unless the discharge —
 - (a) occurs during the filling of a charging cylinder for the purposes of measuring the quantity of ozone depleting substance transferred to cooling equipment, provided the reclamation equipment is used to collect the vapour otherwise released from the charging cylinder vent during the filling operation and any discharge, and is of the minimum quantity of the ozone-depleting substance necessary to enable the filling to take place;
 - (b) occurs from a pressure pack; or
 - (c) is the result of work undertaken within the provisions of section 4.5 of SAA HB40.1.
- (2) In subclause (1) —
“charging cylinder” means a device used for measuring quantities of ozone-depleting substances.

38. Filling of containers with incorrect substances

- (1) A person shall not fill a container, the label attached to which indicates (whether in writing, by use of a colour code, pictorially or in some other manner) that the container should contain —
 - (a) only a particular ozone-depleting substance in pure form — with a substance other than that ozone-depleting substance in that form; or
 - (b) only a particular ozone-depleting substance in contaminated form — with a substance other than that ozone-depleting substance in pure or contaminated form.
- (2) In subclause (1) —
“contaminated” means contaminated through use in cooling equipment operated normally.

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39. Duty to prevent the release of, and to reclaim, ozone-depleting substances

A person authorised to engage in a restricted activity —

- (a) shall not in the course of engaging in that activity, release or permit the release of an ozone-depleting substance or alternative refrigerant into the atmosphere, except as permitted by this policy; and
- (b) shall reclaim any ozone-depleting substance or alternative refrigerant that would otherwise be released in the course of engaging in that activity, if the release is not permitted under paragraph (a).

40. Cylinders to be gastight

A person using a cylinder containing an ozone-depleting substance shall ensure that the cylinder is, and remains, capped in a gastight manner at all times, except during any decanting process involving the cylinder.

41. Non-returnable cylinders

On or after 1 January 2001, a person shall not —

- (a) manufacture;
- (b) sell; or
- (c) supply,

non-returnable non-refillable or disposable cylinders containing, or intended to contain, ozone-depleting substances.

Part 4 — Authorisations under this policy**42. Approval of issuing bodies**

- (1) The Chief Executive Officer may from time to time approve an individual, body or association as an issuing body for particular types of authorisation that may be granted for the purposes of this policy.
- (2) The Chief Executive Officer may alter or revoke any approval given under subclause (1) at any time by notice in writing given to the person body or association concerned.

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43. Issuing bodies empowered to grant or cancel authorisations

An issuing body is empowered to grant or (subject to clause 45) to cancel authorisation in accordance with this policy, and to receive and retain fees payable under this Part in respect of those authorisations.

44. Grant of authorisation on application and payment of fee

- (1) Upon receiving an application in a form approved by the issuing body, and upon the receipt of such application fee (if any) as may be approved by the Chief Executive Officer, an issuing body may grant the authorisation for which the application was made.
- (2) An authorisation issued under subclause (1) must be in writing and must specify the date after which the authorisation must be renewed.
- (3) An authorisation under this clause does not take effect until written notice of the authorisation is given to the applicant.

45. Authorisation can be subject to conditions

- (1) An issuing body may impose conditions on an authorisation when that authorisation is granted or at any time after granting it and may vary or revoke any such condition, but only with the approval of the Chief Executive Officer.
- (2) The imposition, variation or revocation of a condition which has been imposed on an authorisation under subclause (1) does not take effect until written notice of that imposition, variation or revocation has been given to the holder of that authorisation.
- (3) Completion of a training course cannot be specified as a condition imposed on an authorisation unless the ozone protection training and the legislative training components of that training course are first approved by the Chief Executive Officer.

46. Renewal fee

Where the holder of an authorisation under this Part wishes to extend or renew that authorisation for a further period, the holder may do so by payment to the issuing body within one month after the date specified in the authorisation of such renewal fee as is determined by the Chief Executive Officer from time to time.

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47. Authorisation remains in force until cancelled or surrendered

An authorisation remains in force until cancelled under this Part or until the holder surrenders it.

48. Cancellation of authorisation

- (1) An issuing body may cancel an authorisation if it is satisfied that the holder of that authorisation —
 - (a) has contravened a condition of the authorisation;
 - (b) has been convicted of an offence under —
 - (i) the Act; or
 - (ii) this policy;
 - (c) has ceased to carry on the activity to which the authorisation relates; or
 - (d) has failed to pay a fee payable under this policy within one month after a written demand has been given to the holder by the issuing body.
- (2) The cancellation of authorisation under subclause (1) can only take place with the approval of the Chief Executive Officer.
- (3) The cancellation of an authorisation under subclause (1) does not take effect until written notice of that cancellation has been given to the holder of that authorisation.

Part 5 — Miscellaneous**49. Exemptions**

- (1) The Chief Executive Officer may exempt a holder of an authorisation or a class of holders of authorisations from compliance with specified provisions of this policy and may require a fee to be paid for the grant of such an exemption.
- (2) An exemption granted under this clause may be granted in respect of particular ozone depleting substances or alternative refrigerants or controlled articles or particular classes of ozone depleting substances or alternative refrigerants or controlled articles.
- (3) An exemption under this clause must be in writing.

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| (4) | An exemption under this clause does not have effect for longer than 12 months from the time it is granted or such shorter period as is specified in the exemption. | |
| (5) | The Chief Executive Officer may grant an exemption under this clause that permits conduct that would otherwise contravene a provision of this policy only if the Chief Executive Officer is satisfied that there is no practical alternative to the conduct. | |

50. Penalties – on conviction

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|-----|--|--|
| (1) | An individual who contravenes any of the clauses set out in the Table to this clause commits a Tier 3 offence and is liable, on conviction, to a maximum penalty not exceeding \$5 000 and, if the offence is a continuing offence, to a daily penalty not exceeding \$1 000. | |
| (2) | A body corporate that contravenes any of the clauses set out in the Table to this clause commits a Tier 3 offence and is liable on conviction to a maximum penalty not exceeding \$10 000 and, if the offence is a continuing offence, to a daily penalty not exceeding \$2 000. | |

Table

clause 6(2)	clause 21(4)
clause 7	clause 22(1)
clause 8	clause 22(2)
clause 9(1)	clause 23(4)
clause 9(3)	clause 24
clause 10	clause 26(1)
clause 11(1)	clause 27(1)
clause 11(2)	clause 27(2)
clause 11(3)	clause 28(1)
clause 12(1)	clause 29
clause 12(2)	clause 30

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clause 14(1)	clause 31
clause 15(1)	clause 32
clause 15(2)	clause 33
clause 16	clause 34
clause 17(1)	clause 35(1)
clause 18	clause 36
clause 19(1)	clause 37(1)
clause 19(2)	clause 38(1)
clause 20	clause 39
clause 21(1)	clause 40
	clause 41

51. Penalties – infringement notice

- (1) An individual who has been served with an infringement notice for an alleged offence against any of the clauses set out in the Table to clause 50 and who does not wish to have a complaint of the alleged offence heard and determined by a court, and who —
 - (a) has not previously been convicted of an offence against this policy and has not previously paid a modified penalty in respect of an alleged offence against this policy may instead pay \$500, being the modified penalty for the offence for a first offender; or
 - (b) has previously been convicted of an offence against this policy or has previously paid a modified penalty in respect of an alleged offence against this policy may instead pay \$1 000, being the modified penalty for the offence for a second or subsequent offender.
- (2) A body corporate that has been served with an infringement notice for an alleged offence against any of the clauses set out in the Table to

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clause 50 and that does not wish to have a complaint of the alleged offence heard and determined by a court, and that —

- (a) has not previously been convicted of an offence against this policy and has not previously paid a modified penalty in respect of an alleged offence against this policy may instead pay \$1 000, being the modified penalty for the offence for a first offender; or
- (b) has previously been convicted of an offence against this policy or has previously paid a modified penalty in respect of an alleged offence against this policy may instead pay \$2 000, being the modified penalty for the offence for a second or subsequent offender.

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[Clauses 4, 5, 6, 11, 15, 16, 17, 18 & 33]

Ozone-depleting Substances

1. Annex A:

Group I:	CFCs —	11, 12, 113, 114 and 115
Group II:	Halons —	1211, 1301 and 2402

2. Annex B:

Group I:	CFCs —	13, 111, 112, 211, 212, 213, 214, 215, 216 and 217
Group II:	carbon tetrachloride	
Group III:	1,1,1 — trichloroethane (methyl chloroform)	

3. Annex C:

HCFCs —	21, 22, 31, 121, 122, 123, 124, 131, 132, 133, 141, 141b, 142, 142b, 151, 221, 222, 223, 224, 225, 225ca, 225cb, 226, 231, 232, 233, 234, 235, 241, 242, 243, 244, 251, 252, 253, 261, 262, and 271
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4. Any mixture of any substance, referred to in item 1, with any other substance or substances including mixtures R500, R501, R502, R503 and R504.

5. Any other substance that is included in the Schedule to the *Ozone Protection Act 1989* of the Commonwealth at the time this policy comes into effect.

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 CHERYL EDWARDES, Minister for the Environment.

