

Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023 (Cth)

Date published: 09/06/2023

Date: 09 June 2023
Cited by: 0 cases
Legislation cited: 3 provisions
Cases cited: 0 cases

Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 8 June 2023

David Hurley
Governor-General

By His Excellency's Command

Tanya Plibersek

Minister for the Environment and Water

Sign up now

It's free, easy, and improves your Jade experience

Jade Professional

Subscribe for advanced legal research tools

1.....
 Name.....
 1

2.....
 Commencement.....
 1

3.....
 Authority.....
 1

4.....
 Schedules.....
 1

Schedule 1—Amendments 2

Customs (Prohibited Exports) Regulations 1958 2

Customs (Prohibited Imports) Regulations 1956 3

1 Name

This instrument is the *Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as Schedule 1 to the <i>Ozone Protection and Synthetic Greenhouse Gas Management Reform (Closing the Hole in the Ozone</i>	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs (Prohibited Exports) Regulations 1958

1 Subregulation 2(1)

Repeal the following definitions:

- (a) definition of **CFC**;
- (b) definition of **HBFC**;
- (c) definition of **HCFC**;
- (d) definition of **HFC**;
- (e) definition of **nitrogen trifluoride**;
- (f) definition of **PFC**;
- (g) definition of **SGG**;
- (h) definition of **sulfur hexafluoride**.

13F Exportation of ozone depleting substances and synthetic greenhouse gases

Prohibition

(1) The exportation from Australia (except to an external Territory) of the following is prohibited unless subregulation (2) applies:

- (a) a scheduled substance (within the meaning of the OPSGGM Act);
- (b) equipment that contains such a substance, if the equipment or the substance (or both) is prescribed by regulations made for the purposes of paragraph 13AB(3)(d) of the OPSGGM Act;
- (c) equipment that uses such a substance in its operation, if the equipment or the substance (or both) is prescribed by regulations made for the purposes of paragraph 13AB(5)(d) of that Act.

Exception

(2) This subregulation applies if:

- (a) none of subsections 13AB(1), (3) and (5) of the OPSGGM Act are contravened in relation to the exportation; and
- (b) if the exportation is allowed by a licence granted under section 16 of that Act—the licence, or a copy of the licence, is produced to a Collector.

Note 1: A suspended licence does not allow the licensee to carry out any activity that the licence would otherwise allow: see subsection 19D(4) of the OPSGGM Act.

Note 2: A number of provisions of the OPSGGM Act affect whether a person contravenes subsection 13AB(1), (3) or (5) of that Act. See (for example):

- (a) section 12B of that Act (exportation of CFCs, halons, HCFCs, HFCs and PFCs for use on board ships or aircraft); and
- (b) for the exportation of a substance—subsection 13AB(2) of

(c) for the exportation of equipment containing a substance—
subsection 13AB(4) that Act; and

(d) for the exportation of equipment that uses a substance in its
operation—subsection 13AB(6) of that Act.

References to substances and equipment

(3) Section 9 of the OPSGGM Act (references to scheduled
substances and equipment) applies in relation to this regulation as if
this regulation were a provision of that Act.

Definition

(4) In this regulation:

equipment has the same meaning as in the OPSGGM Act.

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

3 Schedule 15

Repeal the Schedule.

Customs (Prohibited Imports) Regulations 1956

4 Subregulation 2(1)

Repeal the following definitions:

- (a) definition of **CFC**;
- (b) definition of **HCFC**;
- (c) definition of **HFC**;

[View full content in Jade](#)