

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

OZONE PROTECTION (AMENDMENT) BILL

EXPLANATORY MEMORANDUM

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Minister for the Environment Land and Planning

OZONE PROTECTION (AMENDMENT) ACT

EXPLANATORY MEMORANDUM

1 Outline of the Bill

Section 5 of the *Ozone Protection (Amendment) Act 1995* (the 1995 Act) amended section 7 of the *Ozone Protection Act 1991* (the Ozone Protection Act) to prohibit the servicing of equipment using chlorofluorocarbons. This amendment, which is due to take effect from 1 January 1997, was made in error.

The general policy intention of the 1995 Act was to implement changes to the *Revised Strategy for Ozone Protection in Australia*, an intergovernmental agreement based on the *Montreal Protocol on Substances that Deplete the Ozone Layer*. Prohibiting the servicing of equipment containing CFCs went beyond what was necessary to give effect to this Strategy.

This Bill amends the *Ozone Protection Act 1991* to prevent the commencement of the amendment of section 7. This will mean that equipment containing CFCs can continue to be serviced by a person holding a licence under the Ozone Protection Act.

As the Bill will preserve the current law, there are no business or financial impacts.

2 Formal requirements (clauses 1 & 2)

Clauses 1 & 2 of the Bill are formal requirements of all Acts, specifying the title and commencement arrangements. Section 4 commences on 1 January 1997, while all other clauses take effect from the day on which the Act is notified in the Gazette.

3 Principal Act (clause 3)

The term 'Principal Act' in this Bill refers to the Act being amended - the *Ozone Protection Act 1991*.

4 Amendment to existing penalty provision (clause 4)

For drafting reasons, the entire amendment contained in clause 5 of the 1995 Act (that is, both the penalty provision amendment and the amendment prohibiting the servicing of installations using chlorofluorocarbons) is proposed to be repealed. The penalty provision amendment, which was correct, will be re-enacted by clause 4 of this Bill

5 Amendment arrangements to servicing articles containing ozone depleting substances (clause 5)

Clause 5 repeals the clauses in the 1995 Act which had the unintended effect referred to above.