

1993

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

OZONE PROTECTION (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

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Outline

The Ozone Protection (Amendment) Bill 1993 makes a minor amendment to sections 13, 15 and 22 of the Ozone Protection Act 1991 (the Act) to remove the time limit on licences issued to persons who service articles that contain an ozone depleting substance.

This is in recognition of a lack of distinction between the activities that the Act seeks to control through provisions relating to the granting of a licence. In particular, section 22 of the Act specifies that a licence, irrespective of the activity to which the licence relates, shall not exceed 12 months.

The yearly renewal of a licence issued to a person to service articles that contain ozone depleting substances is an administrative burden that does not contribute to the effective control of ozone depleting substances. The fees associated with this yearly renewal of a service licence also place an unnecessary burden and cost on the applicant.

The Bill will make it possible to issue a service licence for an indefinite period. This is consistent with the situation in New South Wales, where the majority of service licences are issued without a time limit.

Financial Implications

The removal of a time limit on service licences would result in some loss of revenue. However, this has been balanced by an increase in the cost of yearly business licences and wholesaler licences (that is, licences relating to the manufacture or dealing with an ozone depleting substance).

NOTES

Clause 1: Short Title

Clause 2: Commencement

Clause 3: Principal Act

Clauses 1, 2 and 3 are mechanical clauses that deal with the identification, commencement and application of the Bill.

Clause 4: Application for licence

Under section 13 of the Principal Act, a person may apply for a licence to manufacture, deal with, use or service an article that contains an ozone depleting substance. Under section 13, all applications, whether to manufacture a substance or merely to service an article that contains a substance, are required to specify a period no greater than 12 months for which the licence is sought.

Of course, there are numerous articles that contain ozone depleting substances and there are hundreds of licences granted each year to allow people to service such articles. This has raised concerns at the administrative resources that are required to periodically renew the hundreds of licences for servicing articles that contain ozone depleting substances.

Clause 4 will amend section 13 so that if you are applying for a licence merely to service articles, there will be no requirement to state the period that you want the licence for. The proposed amendment will not alter the requirement to specify a time limit for a licence to manufacture, deal with or use ozone depleting substances.

Clause 5: Form of Licence

Following on from Clause 4, there needs to be a consequential change to the form of licences for servicing articles that contain an ozone depleting substance. Section 15 of the Principal Act specifies the form of the licence. Clause 5 amends section 15 of the Principal Act by omitting that

provision which requires the licence to specify the period for which the licence is to remain in force.

A new paragraph (1)(a) is substituted which requires a licence, other than a licence to service an article which contains an ozone depleting substance, to state the period that it remains in force.

Clause 6: Duration of Licences

An amendment to section 22 of the Principal Act is also required so that a licence issued to service an article which contains an ozone depleting substance shall remain in force until it is cancelled or suspended by the Authority or the prescribed date.

Section 9 provides that after a prescribed date a person shall not, without reasonable excuse, deal with use or manufacture an ozone depleting substance.

Clause 7: Application

Given that there will be licences already issued, transitional arrangements will need to be put into place.

Clause 7 provides that sections 18 and 22 of the Principal Act, as in force at the time this Act commences, apply in relation to an existing licence until it is first renewed after 31 August 1993.