



AUSTRALIAN CAPITAL TERRITORY

**Regulations 1992 No. 13<sup>1</sup>**

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**Ozone Protection Regulations**

The Australian Capital Territory Executive hereby makes the following Regulations under the *Ozone Protection Act 1991*.

Dated 10 August 1992.

BILL WOOD  
Minister

TERRY CONNOLLY  
Minister

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**Citation**

1. These Regulations may be cited as the Ozone Protection Regulations.

**Interpretation**

2. In these Regulations—

“Act” means the *Ozone Protection Act 1991*;

“commencement date” means the day on which these regulations commence;

“methyl chloroform” has the same meaning as in the Commonwealth Act;

“portable halon fire extinguisher” means a portable fire extinguisher that contains or uses a halon in its operation.

### **Exemptions**

**3. (1)** A person is exempt from compliance with section 5 of the Act if—

- (a) in the case of a halon flooding system installed and operable before the commencement date, or a portable halon fire extinguisher acquired and charged with an ozone depleting substance before the commencement date—the person discharges an ozone depleting substance from the system or extinguisher to control or extinguish a fire; or
- (b) in the case of a halon flooding system installed after the commencement date, or a portable halon fire extinguisher acquired and charged with an ozone depleting substance after the commencement date—the person discharges an ozone depleting substance from the system or extinguisher to control or extinguish a fire for the purposes of—
  - (i) protecting a person in a situation where human occupancy is essential and timely evacuation is not possible;
  - (ii) facilitating the continued operation of equipment the operation of which is necessary to protect human life; or
  - (iii) protecting equipment the operation of which is in the public interest and the failure of which may have an adverse effect on that public interest;

and there is no acceptable alternative means of fire protection available.

**(2)** A person is exempt from compliance with section 5 of the Act if—

- (a) the person discharges an aerosol product which—
  - (i) contains an ozone depleting substance; and
  - (ii) is exempt under section 40 of the Commonwealth Act;
- (b) the person discharges an aerosol product which—
  - (i) contains methyl chloroform; and

- (ii) was manufactured or imported before the commencement of the *Ozone Protection Amendment Act 1992* of the Commonwealth;
- (c) the person discharges an ozone depleting substance from a steriliser being used in the process of sterilising medical devices or equipment where—
  - (i) the steriliser was purchased and used for the purpose of sterilising medical devices or equipment before 1 January 1993;
  - (ii) no acceptable alternative exists to the use of the substance in that process; and
  - (iii) the person takes all reasonable precautions to ensure that discharge of the substance is limited to the maximum extent possible;
- (d) the person discharges an ozone depleting substance in the operation of dry cleaning equipment and the person takes all reasonable precautions to ensure that discharge of the substance is limited to the maximum extent possible; or
- (e) the person discharges an ozone depleting substance as a solvent for cleaning or degreasing where—
  - (i) no acceptable alternative exists to the use of the substance and the use of the substance is necessary for the continued operation of the person's business; and
  - (ii) the person takes all reasonable precautions to ensure that discharge of the substance is limited to the maximum extent possible.

#### **General exemption**

4. A person who, in the ordinary course of his or her business, during the period commencing on the commencement date and ending at the expiration of 31 August 1992—

- (a) manufactures, deals with, or uses, an ozone depleting substance;  
or
- (b) services an article containing an ozone depleting substance;

is, in respect of that manufacture, dealing with, use, or servicing, exempt from compliance with sections 6, 7 and 8 of the Act.

**Licence particulars**

5. For the purposes of paragraph 15 (1) (c) of the Act the following particulars are prescribed:

- (a) the name of the licensee;
- (b) the address of the licensee;
- (c) the address of the licensee's principal place of business.

**Labelling and marking**

6. (1) A person who deals with an ozone depleting substance or an article containing an ozone depleting substance shall affix or cause to be affixed to the substance or article a label in a form approved by the Minister.

Penalty: \$1,000.

(2) A label affixed to an article containing an ozone depleting substance shall—

- (a) be affixed in a position where it is clearly visible to a person servicing the article; and
- (b) be made and attached in such a manner as to endure for the likely service life of the article.

**Maintenance of records**

7. (1) A licensee who purchases an ozone depleting substance shall keep and maintain a record of—

- (a) the name and address of the person from whom the substance was purchased;
- (b) the name and quantity of substance purchased; and
- (c) the name and quantity of any substance held on 30 June in each year.

(2) A licensee who sells or supplies a person with an ozone depleting substance for the purpose of resale shall keep and maintain a record of—

- (a) the name, address and licence number of the licensee to whom the substance is sold or supplied;
- (b) the name and quantity of substance sold or supplied; and
- (c) the name and quantity of each substance held by the first-mentioned licensee on 30 June in each year.

(3) A licensee who delivers to a person an ozone depleting substance which has been reclaimed shall keep and maintain a record of—

- (a) the name and address of the person to whom the substance is delivered; and
- (b) the name and quantity of the substance so given.

(4) A licensee shall keep and maintain a record of each matter referred to in subregulations (1), (2) and (3) until the expiration of the period of 5 years commencing on the date on which the record was made.

Penalty: \$1,000.

**Containers used for reclamation of ozone depleting substances**

8. A licensee shall not use a container for the purpose of the reclamation of an ozone depleting substance unless the container is—

- (a) clearly marked with—
  - (i) the word “reclaimed”;
  - (ii) the name of the substance; and
  - (iii) a statement that the container is to be used only for the storage and reclamation of a specified substance until the substance is disposed of, recycled or re-processed; and
- (b) suitable for use for the storage and reclamation of the substance until the substance is disposed of, recycled or re-processed.

Penalty: \$1,000.

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**NOTE**

1. Notified in the ACT Gazette on 14 August 1992.