

AUSTRALIAN CAPITAL TERRITORY

OZONE PROTECTION ACT 1991

**EXPLANATORY STATEMENT
TO
DETERMINATION OF CRITERIA FOR GRANTING AN EXEMPTION FOR AN
INSTALLATION THAT UTILISES HALONS**

No. 164 of 1995

The ACT *Ozone Protection Act 1991* (the Act) came into effect on 31 August 1992. The Act is based on the recommendations of the national *Strategy for Ozone Protection 1989*, which arose out of Australia's obligations under the *Montreal Protocol on Substances that deplete the Ozone Layer* to control and eventually phase-out the use of ozone depleting substances in Australia.

The Act controls the distribution and use of ozone depleting substances listed in Schedule 1 of the *Commonwealth Ozone Protection Act 1989*. The Act recognises a statutory position of Pollution Control Authority for administering the Act.

The controls are similar to those adopted in other states. It is illegal to manufacture, deal with or use ozone depleting substances or to service equipment that contains an ozone depleting substance without a licence. In the context of the Act the term *deal* means sell, supply, transport or store. The Act also prohibits discharge of ozone depleting substances without reasonable excuse.

The timetable under the Montreal Protocol has now been accelerated to require the total phase-out of halons by 31 December 1995. The *Commonwealth Ozone Protection Act 1989* has been amended to reflect this accelerated timetable and came into force in November 1995. The ACT Act has been amended to remain consistent with the Commonwealth Act.

Subsection 9A(1) of the amended Act prohibits operation of equipment or an installation that utilises halons after 31 December 1995. Subsection 9A(2)(a) states that this prohibition does not apply if there is an exemption in force in relation to that installation under subsection 23C(1)

Division 3 of the Act provides for a declaration of criteria to be applied by the Pollution Control Authority for approval of exemptions and essential use classifications. In particular, subsection 23A states that the Minister may declare criteria for exemptions (paragraph (a)) by instrument

The attached instrument provides criteria to be applied by the Pollution Control Authority in determining whether to grant an exemption under subsection 23C(1).