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Australian Refrigeration Council Ltd



Australian Government

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FACTSHEET

Penalties increase for offences listed under the Ozone Act and Regulations

Penalties have increased for offences listed under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (the Act)* and the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 (the Regulations)*.

Not holding the relevant permit

A person who imports, exports or manufactures fluorocarbon refrigerant (either in bulk or pre-charged into equipment) without the appropriate licence (or exemption) is committing an offence under section 13 of the Act and may be fined up to \$111,000.

Under Regulation 111, it is an offence to handle refrigeration and air conditioning (RAC) equipment containing fluorocarbon refrigerant without a refrigerant handling licence (RHL). A penalty of up to \$2,220 may apply.

Under Regulation 112, it is an offence to acquire, possess or dispose of bulk fluorocarbon refrigerant without a Refrigerant Trading Authorisation (RTA). A penalty of up to \$2,220 may apply.

Unlawful discharge of fluorocarbon refrigerant

It is an offence under section 45B(1) of the Act to act in a way that results in the unlawful discharge of ozone depleting substances (ODS) and synthetic greenhouse gases (SGG), including fluorocarbon refrigerant. A penalty of up to \$66,600 for an individual or up to \$333,000 for a corporation may apply.

Breaching permit conditions

It is an offence under Regulation 136 for a RHL holder to breach a condition of their licence. A penalty of up to \$2,220 may apply. It is an offence under Regulation 142 for a RTA holder to breach a condition of their permit. A penalty of up to \$2,220 may apply.

Effects of breaches on gaining future permits

Under Regulation 122, an individual or corporation who is convicted of an offence under the Act or Regulations, or who has had a permit or licence cancelled, may be considered unfit to hold a RAC industry permit or licence. As a result, their permit or licence may be refused on reapplication or, in accordance with Regulation 123, their permit or licence may be cancelled.

