

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

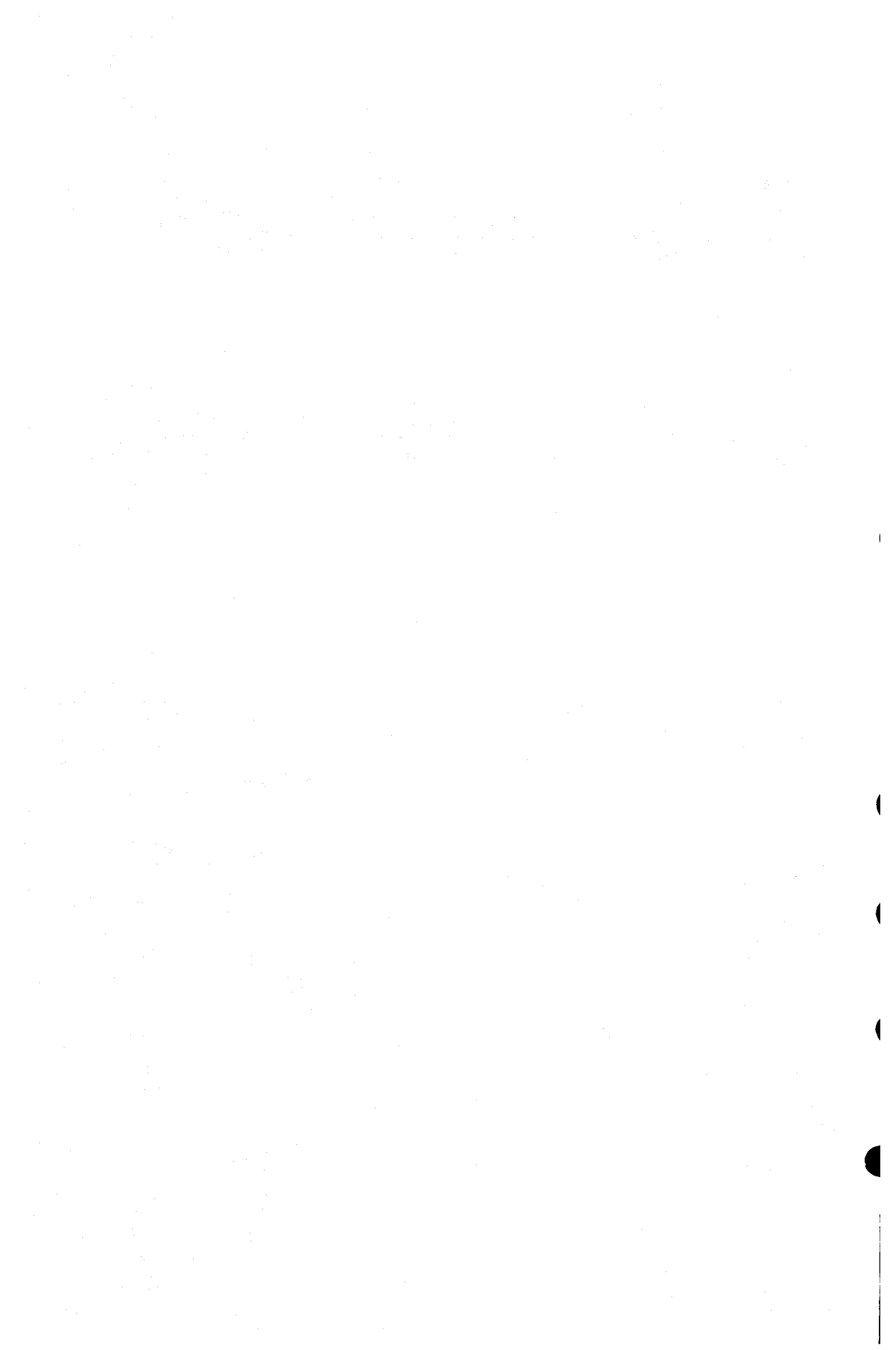
HOUSE OF REPRESENTATIVES

OZONE PROTECTION BILL 1988

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on
Behalf of the Government

(Circulated by authority of the Minister for the Arts, Sport,
the Environment, Tourism and Territories,
Senator the Hon Graham Richardson)



OZONE PROTECTION BILL 1988

OUTLINE

The purpose of the Bill as introduced on 10 November 1988 is to give effect to the obligations which will arise when Australia ratifies the Montreal Protocol on Substances that Deplete the Ozone Layer, and to provide for additional controls, beyond those required by the Protocol, which will further reduce the usage, and emission to the air, of ozone depleting substances.

The purposes of these amendments and new clauses are to avoid double counting of scheduled substances which are recycled through a manufacturing plant, to apply the Bill in relation to the Northern Territory in the same manner as the States, to provide for an annual report on the operation of the Act, and to make other minor amendments to the Bill.

Financial Impact Statement

The amendments and additional clauses will not significantly increase the cost of administering this Bill.

NOTES ON CLAUSES

Amendment 1 - Clause 11A - Recycling of scheduled substances

This clause would provide for the avoidance of 'double counting' when scheduled substances are recycled.

Subclause 11A(1) would provide that where a scheduled substance is put through a manufacturing plant for the second or subsequent times, it is not to be counted as manufacture for the purposes of the Bill.

Subclause 11A(2) would provide that where a scheduled substance is put through a manufacturing plant as part of a process which is manufacturing scheduled substances, that portion of the process which is attributable to the recycled scheduled substance should not be counted as part of the manufactured product.

Amendment 2 - Clause 29 - Ascertainment of size of quota - initial allocation in respect of export of CFCs

This amendment would provide for the word 'magnitude' appearing in subclause 29(5) to be changed to 'size' so as to be consistent with the wording in subclause 28(9).

Amendment 3 - Clause 33 - Variation of quota

This amendment would provide for the omission of existing subclause 33(2) and the substitution of a new subclause 33(2) which would provide for the form to be used in applying for the variation of quota to be prescribed by regulation, consistent with the remainder of the Bill.

Amendments 4 and 5 - Clause 36 - Persons to whom this Part applies, activities to which this Part applies

These two amendments would provide for the Northern Territory to be treated in the same manner as a State for the purposes of this clause (which determines the extent of the application of Schedule 4 and regulations pursuant to clause 38, by which additional controls beyond those required by the Protocol may be introduced).

Amendment 6 - Clause 63 - Failure to answer questions etc.

This amendment would provide for the Northern Territory to be treated in the same manner as a State for the purposes of this clause (which enables the Attorney-General of a State to give an undertaking that an answer given, or a document produced, by a person will not be used in evidence against them in proceedings for an offence against a law of the State).

Amendment 7 - Clause 66A - Annual report

This new clause would require the Minister to prepare and table before each House of Parliament an annual report on the operations of the Act.



