



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities



FACT SHEET 11

Penalties under the Act and Regulations

What are the penalties for the RAC industry 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)?

Offences committed by persons that don't hold the relevant permit

For businesses

Businesses that import, export or manufacture fluorocarbon refrigerants (either in bulk or pre-charged into equipment) without the appropriate licence commit an offence under s13 of the Act. The maximum penalty for this offence is \$55,000 for a natural person and \$275,000 for a corporation.

Businesses that acquire, possess or dispose of fluorocarbon refrigerant without a Refrigerant Trading Authorisation (RTA) commit an offence under r112 of the Regulations. The maximum penalty for this offence is \$1,100 for a natural person and \$5,500 for a corporation.

For individuals

Persons that handle fluorocarbon refrigerant without a Refrigerant Handling Licence (RHL) commit an offence under r111 of the Regulation. The maximum penalty is \$1,100.

Where a person engages in conduct that results in the unlawful discharge of fluorocarbon refrigerant, they commit an offence under s45B of the Act. The maximum penalty is \$33,000 for a natural person and \$165,000 for a corporation.

Note that where a business or person that has been convicted of one of the offences above applies for a permit, they may be refused because they are deemed not to be fit and proper to hold a permit under r122.

Offences committed by persons breaching permit conditions

Where an RTA holder breaches a permit condition, they commit an offence. The maximum penalty is \$1,100 for a natural person and \$5,500 for a corporation. In addition to this, the RTA may be suspended or cancelled.

Where an RHL holder breaches a permit condition, they commit an offence. The maximum penalty is \$1,100. In addition to this, the RHL may be suspended or cancelled.

Note that where a business or person has been convicted of one of these offences and/or has their permit cancelled, future permit applications may be refused because they are deemed not to be fit and proper persons to hold a permit under r122.