



Australian Government

**Department of the Environment,
Water, Heritage and the Arts**



FACT SHEET 10

What do the regulation amendments mean for me and my business?

The Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 (the Regulations) cover the licensing requirements of those who work with fluorocarbon refrigerants.

Since 2005, the Australian Refrigeration Council (ARC) has been responsible for the granting of refrigerant handling licences and refrigerant trading authorisations approved under the Regulations.

Recent amendments to the Regulations include a number of changes which affect the industry. Changes are, unless stated otherwise, effective as of 12 February 2009.

Changes to conditions on licenses and authorisations

Licences

Refrigerant handling licence (RHL) holders who supervise trainee licensee holders must ensure that any work carried out by the trainees is in accordance with the standards set out in an item of column 2 of Table 135 that relate to the work.

This will ensure that supervisors take an active interest in the work that the trainee is doing and give the customer confidence in the quality of the finished job.

Holders of RHLs who are not employed or hired by the holder of an RTA must now include their ARC licence number on any invoices, receipts and quotes for work carried out under the licence.

Authorisations

There are a number of conditions that RTA holders are required to meet. These conditions include, but are not limited to ensuring that:

1. equipment is maintained
2. cylinders are leak tested at least each quarter
3. cylinders are in test date, and
4. only appropriately licensed technicians handle refrigerant that is in the RTA holder's possession.

RTA holders must now keep records of these activities and provide them to the ARC within 14 days of a request in writing.

These changes will streamline compliance and enforcement activities and provide a reminder to businesses to undertake these activities.

RTA holders must include their permit number on any invoices, receipts and quotes for work carried out under the RTA.

RTA holders must include their AU number on any advertising placed after 1 July 2009 where that advertising is for services which would not be permitted without the RTA.

New offence – Contravention of a permit condition

It is now an offence to contravene a condition of an RHL or RTA. This offence is an offence of strict liability, with a maximum penalty of 10 penalty units (\$1,100 for an individual and \$5,500 for a body corporate).

Electronic register of details of RAC industry permit holders

The Regulations now enable the ARC to publish identifying information of RAC industry permit holders on an electronic register that will be available to the public. Previously this only applied to RTA holders but now applies to both RTA and RHL holders.

The electronic register will include the following details:

- name of the permit holder
- type of permit held
- number allocated to the permit holder by the ARC, and
- except for the holder of a refrigerant handling license, the address and phone number of the holder of the permit

This information will allow the public to identify permit holders, promoting the use of licensed technicians.

New offence – handling refrigerant

The offence of unlicensed handling of refrigerant has been refined. The changes will:

- provide an exemption from the requirement to have an RHL to decommission RAC equipment if doing so under the supervision of a person who holds the appropriate class of RHL
- clarify the type of license that must be held by a person supervising a phase of the manufacture of RAC equipment
- clarify the definition of 'handle a refrigerant' so that where RAC equipment is being manufactured, installed, commissioned, serviced or maintained, the presence of refrigerant is immaterial, and
- clarify the definition of 'handle a refrigerant' so that where RAC equipment is being decommissioned, refrigerant is only deemed to be handled where the refrigerant is still present in the system.

Offence - false representation

Summary

- If you don't hold the relevant permits, you can't advertise for the work
- You can't pretend to hold a permit type that you don't, in fact, hold

It is now an offence for a person to make a representation that they can provide a service involving the acquisition, disposal, storage, use or handling of refrigerant in circumstances where that person does not hold a relevant RAC industry permit entitling the person to carry out such work, nor does the person employ another person who holds the relevant license for the work.

It is also an offence for a person to make a representation that the person holds a type of RAC industry permit when, at the time of making the representation, the person does not in fact hold a RAC industry permit of the type claimed.

Both of these offences are offences of strict liability with a maximum penalty of ten penalty units (\$1,100 for an individual or \$5,500 for a body corporate).

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New class of restricted refrigerant trading authorisation

The definition of 'RAC industry permit' has been expanded to include restricted RTAs. The restricted RTA is designed to provide a permit that meets the needs of businesses that are engaged in decommissioning refrigeration and air conditioning (RAC) equipment, such as waste management facilities, metal recyclers and automotive recyclers. As these businesses have no need to purchase refrigerant, it would be unnecessary for them to hold a full RTA and be subject to the usual compliance requirements.

The restricted RTA allows the holder to acquire, possess and dispose of refrigerant provided that the refrigerant is only acquired by being recovered from equipment at the end of its useful life and it is only disposed of by being provided to the operator of a refrigerant destruction facility.

The application fee for a restricted RTA is \$100 and it is valid for two years.

Further to the introduction of the restricted RTA, changes have been made to the offence of handling refrigerant without an RTA.

This change grants an exemption from the requirement for people who are decommissioning RAC equipment to have a refrigerant handling licence (RHL), as long as the decommissioning is performed under the supervision of a person who holds the appropriate class of RHL.

Contact us

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