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Australian Refrigeration Council Ltd



Australian Government

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FACTSHEET

The RAC industry and penalties under the Ozone legislation

Penalties may apply for breaches of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act) or *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* (the Regulations).

This fact sheet provides an overview of the penalties that apply within the refrigeration and air conditioning (RAC) industry. The Act and Regulations, as well as the *Crimes Act 1914*, should be referred to as the legal instruments which establish these penalties.

Permit/licensing requirements

The Act places controls on the import, export and manufacture of a range of ozone depleting substances (ODSs) and synthetic greenhouse gases (SGGs) in Australia. These actions are prohibited in Australia unless the correct licence is held or the correct exemption applies. An individual who undertakes any of these activities without the appropriate licence is committing an offence under **section 13 of the Act** and may be fined up to \$90,000. A civil penalty of up to \$450,000 may apply for a corporation.

Acquiring, possessing, disposing and handling of ODS/SGGs in the RAC industry is controlled by the Regulations. The Australian Refrigeration Council (ARC) is the appointed Industry Board to administer the Regulations.

Anyone handling fluorocarbon refrigerant, or any components of RAC equipment which involve the use of refrigerant, must hold a Refrigerant Handling Licence (RHL). Under **Regulation 111**, it is an offence to handle RAC equipment without an RHL and a penalty of up to \$1,800 may apply. Under **Regulation 112**, it is an offence to acquire, possess or dispose of bulk refrigerant without a Refrigerant Trading Authorisation (RTA). A penalty of up to \$1,800 may apply.

Breaching permit or licence conditions

If an RHL holder breaches a condition of that licence, it is an offence under **Regulation 136** and a penalty up to \$1,800 may apply. If an RTA permit holder breaches a condition of that permit it is an offence under **Regulation 142** and a penalty up to \$1,800 may apply for an individual. A civil penalty of up to \$9,000 may apply for a corporation.

Unlawful discharge of ODS/SGGs

It is an offence under section 45B(1) of the Act to act in a way that results in the unlawful discharge of ODS/SGGs, including fluorocarbon refrigerant. A penalty of up to \$54,000 for an individual or up to \$270,000 for a corporation 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.

