

Reprint  
as at 1 July 2011



**Ozone Layer Protection  
Amendment Act 2011**

Public Act 2011 No 18  
Date of assent 17 May 2011  
Commencement see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry for the Environment.**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Ozone Layer Protection Amendment Act 2011.

**2 Commencement**

(1) This Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.

(2) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

Section 2(1): this Act brought into force, on 1 July 2011, by the Ozone Layer Protection Amendment Act 2011 Commencement Order 2011 (SR 2011/196).

**3 Principal Act amended**

This Act amends the Ozone Layer Protection Act 1996.

#### **4 Interpretation**

- (1) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**approved form** means a form approved under section 12A

“**Environmental Protection Authority** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

“**Minister** means the Minister of the Crown who, under authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

“**register** means the Ozone Layer Protection Register required by section 12B”.

- (2) The definition of **code of practice** in section 2(1) is amended by omitting “for the Environment”.
- (3) Paragraph (a) of the definition of **officer** in section 2(1) is amended by omitting “Ministry of Economic Development” and substituting “Environmental Protection Authority”.

#### **5 Exemptions**

Section 8(1) is amended by omitting “The Minister of Commerce may, at his or her discretion,” and substituting “The Environmental Protection Authority may”.

#### **6 New section 8A inserted**

The following section is inserted after section 8:

##### **“8A Application for exemption**

An application for an exemption must be made in the approved form.”

#### **7 Consideration of application for exemption**

Section 9 is amended by omitting “The Minister of Commerce shall,” and substituting “The Environmental Protection Authority must,”.

#### **8 New heading and sections 9A to 9D inserted**

The following heading and sections are inserted after section 9:

*“Permits***“9A General requirements for permits**

- “(1) This section applies if regulations made under section 16 allow the importation or exportation of substances or goods under the authority of a permit granted by the Environmental Protection Authority.
- “(2) Any person may apply to the Environmental Protection Authority for a permit.
- “(3) An application for a permit must be in the approved form.
- “(4) The regulations may specify the process and requirements for applying for a permit.

**“9B Refusal of permit to import substance**

- “(1) This section and sections 9C and 9D apply if regulations made under section 16 allow the importation of substances or goods under the authority of a permit granted by the Environmental Protection Authority.
- “(2) The Environmental Protection Authority may refuse to grant a permit if the Authority considers—
- “(a) after considering the matters set out in section 9C, that granting the permit would be inconsistent with the scheme of the regulations; or
  - “(b) that the person who applied for the permit has been convicted of an offence against this Act or an offence that involves an ozone-depleting substance; or
  - “(c) that the information in the application is incorrect.

**“9C Consideration of application for permit to import substance**

The Environmental Protection Authority must, in considering an application for a permit, have regard to the following matters to the extent that they are relevant:

- “(a) the amount of the substance that is available for allocation;
- “(b) the total amount of the substance for which applications have been received;
- “(c) the importance of the use to which the substance will be put:

- “(d) whether there is a viable alternative to the use of the substance that would be less harmful to the environment.

**“9D Conditions on permits to import substance**

If the regulations authorise the Environmental Protection Authority to impose conditions on the grant of a permit, the conditions may address the following matters:

- “(a) the use to which the substance will be put in New Zealand:
- “(b) restriction or prohibition on transfer of an entitlement arising from a permit:
- “(c) the provision of information (including photographs) to the Environmental Protection Authority concerning the identification, movement, and location of the substance and compliance with conditions:
- “(d) the insurance requirements relating to the importation of the substance and its presence in New Zealand:
- “(e) control and ownership of the substance:
- “(f) restriction or prohibition on the grant of a security interest in the substance:
- “(g) the labelling, packaging, handling, storage, transport, processing, or disposal of the substance:
- “(h) liability for the substance if it cannot be used for the purpose for which it was imported.”

**9 Codes of practice**

Section 10(1) is amended by omitting “for the Environment”.

**10 Industry may be required to prepare draft accreditation schemes**

Section 12(1) is amended by omitting “for the Environment”.

**11 New headings and sections 12A to 12D inserted**

The following headings and sections are inserted after section 12:

*“Forms***“12A Environmental Protection Authority may approve forms**

The Environmental Protection Authority may approve forms for the purposes of this Act.

*“Register***“12B Register**

- “(1) The Environmental Protection Authority, on behalf of the Crown, must keep a register called the Ozone Layer Protection Register.
- “(2) The register may be kept in the form of information stored electronically.
- “(3) The Crown owns all information contained in the register.

**“12C Information to be included in register**

- “(1) The register must record—
- “(a) the details of permits granted under regulations; and
  - “(b) the details of exemptions granted under section 8; and
  - “(c) any other information required to comply with New Zealand’s international obligations and that is prescribed by regulations.
- “(2) In relation to a permit, the register must specify—
- “(a) the name and address of the person to whom the permit was granted; and
  - “(b) the substance or goods to which the permit relates; and
  - “(c) the amount of the substance or goods that the permit allows to be imported, exported, manufactured, or sold; and
  - “(d) the terms and conditions on which the permit was granted; and
  - “(e) any other information required by regulations.
- “(3) In relation to an exemption, the register must specify—
- “(a) the name and address of the person to whom the exemption was granted; and
  - “(b) the substance or goods to which the exemption relates; and

- “(c) the amount of the substance or goods that the exemption allows to be imported, exported, manufactured, or sold; and
  - “(d) the reason for granting the exemption; and
  - “(e) the terms and conditions on which the exemption was granted; and
  - “(f) any other information required by regulations.
- “(4) The register may record any other information that the Environmental Protection Authority considers appropriate.

**“12D Environmental Protection Authority to allow New Zealand Customs Service access to register**

The Environmental Protection Authority must allow the New Zealand Customs Service to have access to the register.”

**12 Regulations**

Section 16(1) is amended by—

- (a) omitting “for the Environment”; and
  - (b) inserting the following paragraph after paragraph (d):
- “(da) prescribing the particulars of permits and exemptions to be shown in the Ozone Layer Protection Register.”.

**13 Consultation requirements before regulations made**

Section 17(1) and (5) are amended by omitting “for the Environment”.

**14 Additional requirement before regulations made**

Section 18 is amended by omitting “for the Environment shall” and substituting “must”.

**15 Retention of property seized**

Section 25(2) is amended by omitting “Ministry of Economic Development,” and substituting “Environmental Protection Authority”.

**16 Return or forfeiture of property seized**

Section 26(3) is amended by omitting “for the Environment”.

**17 Review of reduction timetables**

Section 27 is amended by omitting “The Minister of Commerce and the Minister for the Environment shall” and substituting “The Minister must”.

**18 Annual report**

- (1) Section 30(1) is amended by omitting “The Minister of Commerce and the Minister for the Environment shall,” and substituting “The Minister must,”.
- (2) Section 30(2) is amended by omitting “The Minister of Commerce shall” and substituting “The Minister must”.

**19 Transitional provision**

Despite this Act and section 54 of the Environmental Protection Authority Act 2011, an application for a permit or exemption made before the commencement of this section must be determined by the Minister responsible for the administration of the Ozone Layer Protection Act 1996 as if this Act and the Environmental Protection Authority Act 2011 had not been passed.

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## **Notes**

### **1 *General***

This is a reprint of the Ozone Layer Protection Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 1 July 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Ozone Layer Protection Amendment Act 2011 Commencement Order 2011  
(SR 2011/196)

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