



REPUBLIC OF NAURU

OZONE LAYER PROTECTION BILL 2017

No. of 2017

A Bill for an Act to give effect to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Ozone Layer Protection Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 General objectives of the Act

The primary objectives of the Act are to:

- (a) prevent and minimise the release of ozone depleting substances into the environment;
- (b) control and reduce the importation, exportation, use, sale and storage of ozone depleting substances;
- (c) manage and control the phasing out of ozone depleting substances except for essential uses pursuant to the Republic's obligations under the Vienna Convention for the Protection of Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer; and
- (d) fulfil the obligations of the Republic under the Vienna Convention for the Protection of Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer.

4 Definitions

(1) In this Act:

'bulk' in relation to a controlled substance, means a controlled substance that is in a non-processed form, whether alone or in a mixture and includes a controlled substance that has been recovered, recycled, cleaned or reclaimed but does not include any controlled substances contained within a manufactured product;

'controlled substance' means a substance whether existing alone or in a mixture that is:

- (a) listed in Schedule 1; or
- (b) prescribed by Regulations made under this Act;

'Convention' means the Vienna Convention for the Protection of the Ozone Layer and includes all amendments to the Convention that are binding on the Republic from time to time;

'Customs officer' is as defined under the Customs Act 2014;

'Department' means the Department of Commerce, Industry and Environment;

'handle' and 'handling' means the recovery, recycling, refilling, recharging, capturing or transporting of a controlled substance and includes:

- (a) the installation, transportation, servicing or decommissioning of:
 - (i) any air conditioning equipment (including motor vehicle air conditioning equipment);
 - (ii) any aerosol product;
 - (iii) any fire protection system;
 - (iv) any portable fire extinguisher;
 - (v) any other equipment or apparatus that uses or contains a controlled substance;
- (b) the use of controlled substances for dry cleaning; and
- (c) the repossessing and reclaiming of controlled substances;

'Minister' means the Minister for Commerce, Industry and Environment;

'Montreal Protocol' means the Montreal Protocol on Substances that Deplete the Ozone Layer and includes all amendments to the Protocol that are binding on the Republic from time to time;

'ozone depleting substances' means any substance whether in pure form or contained in a mixture, with ozone depleting potential and includes a controlled substance;

'prescribed goods'

- (a) means any item which is designed to contain or use a controlled substance; and
- (b) are listed in Schedule 2;

'refrigeration equipment' includes:

- (a) refrigerators;

- (b) freezers;
- (c) dehumidifiers;
- (d) water coolers;
- (e) ice machines;
- (f) reefer container used for transporting perishable cargo; and
- (g) other equipment that is used directly and indirectly with refrigerants.

'refrigerant' means any liquid or gas used in refrigeration equipment and contains any substance listed in Schedule 1;

'Secretary' means the Secretary for Commerce, Industry and Environment; and

- (2) Terms used and not defined in this Act but defined in the Convention or the Montreal Protocol shall, unless the context otherwise requires, have the same meaning as in the Convention and the Montreal Protocol.

5 Application of the precautionary principle

- (1) A person who has responsibilities, functions and powers under this Act involving the importation, exportation, use, sale, handling, movement and storage of refrigerants within the Republic, shall apply the precautionary principle in the discharge of his or her responsibilities, functions and exercise of powers.
- (2) For the purposes of this Act, the precautionary principle is applied where:
 - (a) there is potential for damage to the environment; and
 - (b) endanger to health, -

lack of scientific certainty regarding the extent of any adverse effects is not used to prevent or avoid a decision being made.

PART 2 – ADMINISTRATION

6 Functions of the Department

For the purposes of this Act, the functions of the Department are to:

- (a) advise the Minister and Cabinet on policies for the reduction in emission of ozone depleting substances;