Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

Statutory Rules 1995 No. 389 as amended

made under the

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

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Division 6A.4  Fire protection

Subdivision 6A.4.1  Preliminary

301  Definitions for Division 6A.4

In this Division:

*approved extinguishing agent destruction facility* means a facility of a kind mentioned in regulation 306, operated by a person who holds a current approval under that regulation.

*extinguishing agent* means a scheduled substance that can be used to prevent, control or extinguish a fire, or suppress an explosion.

*extinguishing agent handling licence* means a licence granted under Subdivision 6A.4.3.

*extinguishing agent trading authorisation* means an authorisation granted under regulation 331.

*fire protection equipment* means equipment that releases an extinguishing agent to prevent, control or extinguish a fire, or suppress an explosion.

*Fire Protection Industry (Ozone Depleting Substances and Synthetic Greenhouse Gas) Board* (or *Fire Protection Industry (ODS & SGG) Board*) means the Board appointed under paragraph 311 (1) (a).

*fire protection industry permit* means any of the following:
(a) an extinguishing agent handling licence;
(b) an extinguishing agent trading authorisation;
(c) a halon special permit.

*halon special permit* has the meaning given by regulation 341.

*special circumstances exemption* has the meaning given by regulation 342.
302 Offence — handling extinguishing agent

(1) On or after 1 November 2005, a person must not handle an extinguishing agent that is, or has been, for use in fire protection equipment unless he or she holds:
(a) an extinguishing agent handling licence; or
(b) a special circumstances exemption that covers the handling of the agent.

Penalty: 10 penalty units.

(1A) Subregulation (1) does not apply to a person if:
(a) the fire protection equipment is or will be installed in an aircraft; and
(b) the person handles the equipment for the purpose of installing or removing the equipment; and
(c) the person:
   (i) holds an aircraft maintenance engineer licence under regulation 31 of the Civil Aviation Regulations 1988; and
   (ii) has achieved the unit of competency PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions.

Note A defendant bears an evidential burden in relation to the matters in subregulation (1A) — see subsection 13.3 (3) of the Criminal Code.

(2) For subregulation (1), handle an extinguishing agent means to do anything with the extinguishing agent (other than use it to prevent, control or extinguish a fire, or suppress an explosion) that carries the risk of its emission, including:
(a) decanting the extinguishing agent; or
(b) installing or maintaining fire protection equipment; or
(c) decommissioning or disposing of fire protection equipment.

(3) An offence against subregulation (1) is an offence of strict liability.
303 Offence — possessing or trading in extinguishing agent

(1) In this regulation:

*bulk extinguishing agent* means an extinguishing agent, other than halon, that is, or has been, for use in fire protection equipment, but does not include an agent that is contained in fire protection equipment.

(2) On or after 1 November 2005, a person must not acquire, possess, or dispose of bulk extinguishing agent unless the person is:

(a) the operator of an approved extinguishing agent destruction facility; or
(b) the holder of an extinguishing agent trading authorisation; or
(c) the holder of a special circumstances exemption that is appropriate for the acquisition, possession or disposition of the agent; or
(d) the officer in charge of a fire station.

Penalty: 10 penalty units.

(3) It is a defence to a charge of contravening subregulation (2) that the defendant, as soon as practicable after becoming aware that he or she possessed bulk extinguishing agent, gave it to:

(a) the operator of an approved extinguishing agent destruction facility; or
(b) the holder of an extinguishing agent trading authorisation; or
(c) the officer in charge of a fire station.

(4) An offence against subregulation (2) is an offence of strict liability.

304 Offence — possessing halon

(1) On or after 1 November 2005, a person must not possess halon that is, or has been, for use in fire protection equipment unless:

(a) subregulation (4) applies to the equipment; or
(b) the halon is for use in fire protection equipment and the person is the holder of a halon special permit; or
(c) the person is the holder of a special circumstances exemption that covers the possession of the halon; or
(d) the person is the operator of an approved extinguishing agent destruction facility.

Penalty:  10 penalty units.

(2) It is a defence to a charge of contravening subregulation (1) that the defendant:
(a) in the case of a defendant who is the officer in charge of a fire station or the holder of an extinguishing agent trading authorisation — acquired the halon for transfer to an approved extinguishing agent destruction facility; or
(b) as soon as practicable after becoming aware that he or she possessed halon, gave it to:
   (i) the officer in charge of a fire station; or
   (ii) the holder of an extinguishing agent trading authorisation; or
   (iii) the operator of an approved extinguishing agent destruction facility.

(3) An offence against subregulation (1) is an offence of strict liability.

(4) This subregulation applies to:
(a) equipment that is used by the Defence Force in:
   (i) a Collins Class submarine; or
   (ii) an armoured fighting vehicle; or
(b) equipment (other than a portable fire extinguisher) that is used by the Defence Force in:
   (i) an FFG7 Class destroyer; or
   (ii) an ANZAC Class frigate; or
(c) equipment that is installed in, or carried in, an aircraft; or
(d) equipment that is installed in an enclosed space containing machinery, including the pump room, of a vessel:
   (i) of more than 500 tonnes dead weight; or
(ii) that is entered in the Australian Register of Ships established under the *Shipping Registration Act 1981*.

*Note* If halon ceases to be essential for use with a particular item of equipment mentioned in subregulation (4), the subregulation will be amended to omit the item.

### 305 Discharge of scheduled substances (Act s 45B)

(1) For paragraph 45B (1) (e) of the Act, a person may discharge a scheduled substance if:

(a) the discharge is to:

(i) test the design of a fire extinguishing system or a fire extinguisher; or

(ii) calibrate equipment used to detect extinguishing agent leaks; and

(b) the person is granted a permit by the Fire Protection Industry (ODS & SGG) Board, allowing the discharge.

(2) A person may apply in writing to the Board for a permit.

(3) An application must include:

(a) the name and address of the applicant; and

(b) information about each proposed discharge, including:

(i) the location of the discharge; and

(ii) if more than 1 discharge is proposed — the number of discharges; and

(iii) the quantity of substance in each discharge; and

(iv) the reason it is necessary to discharge the substance; and

(c) any other information relevant to any proposed discharge.

(4) The Board may grant a permit if, in its opinion:

(a) the applicant, because of his or her training and experience, is able to carry out the discharge in a way that minimises the amount of the substance discharged; and

(b) the discharge is to test the design of a system that is necessary to protect human life or critical to the community; and
(c) there is no alternative to the discharge that is:
   
   (i) practicable; and

   (ii) available at a reasonable cost; and

   (iii) safe; and

   (iv) likely to result in less damage to the environment.

306 Extinguishing agent destruction facilities

(1) The Minister may, on application, give approval in writing for a person to operate an extinguishing agent destruction facility.

(2) An application must be in writing and must include:
   
   (a) the name and address of the applicant; and

   (b) the address of the facility; and

   (c) enough information about the facility to enable the Minister to decide the application; and

   (d) evidence that the equipment to be used by the applicant for the destruction of extinguishing agents (the destruction equipment) was, no more than 2 years before the date of the application, tested and approved by a person accredited by the National Association of Testing Authorities, Australia to conduct the testing.

(3) The application fee for an approval is $300.

(4) The Minister may approve a facility only if he or she is satisfied that the facility is able to operate in a way that is consistent with Australia’s obligations under the Montreal Protocol.

(5) An approval is subject to the condition that:
   
   (a) the destruction equipment is fit for the purpose for which it is to be used; and

   (b) of each batch of an extinguishing agent given to the facility for destruction, at least 99.99% is converted into something that is not a scheduled substance.

(6) An approval granted under this regulation is effective for 2 years.
Subdivision 6A.4.2 Fire protection industry permits

Note Regulation numbers 307 to 310 (inclusive) are intentionally not used.

311 Fire Protection Industry (ODS & SGG) Board

(1) The Minister may:
   (a) appoint a body that is incorporated under the Corporations Act 2001 as the Fire Protection Industry (ODS & SGG) Board; and
   (b) authorise the Board to exercise any or all of the powers and functions mentioned in subregulation (2).

(2) The powers and functions are to:
   (a) receive applications for fire protection industry permits; and
   (b) collect, on behalf of the Commonwealth, the fees that are payable for those applications; and
   (c) grant fire protection industry permits; and
   (d) collect information:
      (i) supplied by applicants for industry permits; and
      (ii) supplied in response to any request made by the Board under paragraph 332 (1) (b); and
   (e) publish the information mentioned in paragraph (d) in a way that does not:
      (i) allow any individual to be identified, unless the individual’s name is included in a business or trading name.
      (ii) disclose confidential information; and
   (f) inspect, with the occupier’s permission, premises used for activities conducted under a fire protection industry permit; and
   (g) if requested by an employer of a holder of a fire protection industry permit, disclose to the employer the following information about the holder’s permit:
      (i) the type of permit held;
      (ii) the expiry date for the permit.
312 Minister may exercise Board’s powers and functions

(1) This regulation applies if the Minister:
   (a) does not appoint a body under subregulation 311 (1); or
   (b) appoints a body as the Fire Protection Industry (ODS & SGG) Board but authorises it to exercise only some of the powers and functions mentioned in subregulation 311 (2); or
   (c) revokes, or suspends, the appointment of the Board; or
   (d) revokes or suspends some of the powers and functions of the Board.

(2) The Minister may:
   (a) exercise any powers and functions mentioned in subregulation 311 (2) not being exercised by the Board; or
   (b) if there is no Board — exercise any or all of the powers and functions mentioned in subregulation 311 (2).

(3) A reference in this Division to the Board, in relation to a power or function that is being exercised by the Minister, is a reference to the Minister.

313 Applications for fire protection industry permits — general

(1) An application for a fire protection industry permit must:
   (a) be made to the Fire Protection Industry (ODS & SGG) Board in a form approved by the Minister; and
   (b) be accompanied by the fee prescribed for the particular kind of permit; and
   (c) include the information needed by the Board to decide the application, including:
      (i) details about the applicant’s relevant training and experience; and
      (ii) in the case of an application by an individual — evidence about the applicant’s knowledge about this Division, the Act and any standard that is relevant to the work to be carried out under the permit; and

Note Relevant standards are set out in Table 326.
(iii) evidence that the applicant is a fit and proper person to hold the permit; and

(iv) the name of the applicant’s employer (if any); and

(v) for an application for an extinguishing agent trading authorisation — evidence that the applicant will meet the requirements mentioned in subregulation 331 (3); and

(vi) for an application for a halon special permit — evidence that the applicant will meet the requirements mentioned in subregulation 341 (3).

(2) If an applicant has not:

(a) provided all the information mentioned in paragraph (1) (c); or

(b) given any consent that has been requested for the disclosure to the Board or the Minister of personal information that is relevant to whether the applicant is a fit and proper person to hold the permit;

the Board:

(c) may ask the applicant for the information or consent; and

(d) need not consider the application until the applicant provides the information or gives the consent.

(3) If the Board has not made a decision about an application within 30 days after:

(a) if paragraph (b) does not apply — the application was made; or

(b) if the Board has asked the applicant for any missing information or consent — the information or consent was provided;

the Board is taken to have refused the application.

314 Decision whether applicant is a fit and proper person

When the Fire Protection Industry (ODS & SGG) Board is deciding whether a person who holds, or is applying for, a fire protection industry permit is a fit and proper person to hold the permit, the Board must take into account matters including the following:
(a) any conviction of the person for an offence against the Act or these Regulations;
(b) in the case of an individual:
   (i) any conviction of the person for an offence under a law of the Commonwealth, of a State or of a Territory that is punishable by imprisonment for a period of one year or longer; and
   (ii) whether the person is bankrupt;
(c) in the case of a corporation:
   (i) any conviction of the corporation for an offence under a law of the Commonwealth, of a State or of a Territory that is punishable by a fine of 50 penalty units or more, being an offence committed at a time when a person who is a director, officer or shareholder of the corporation was a director, officer or shareholder of the corporation; and
   (ii) whether the corporation is an externally administered body corporate (within the meaning of the Corporations Act 2001);
(d) if any statement by the person in an application was false or misleading in a material particular — whether the person knew that the statement was false or misleading;
(e) whether the person has contravened a condition of a fire protection industry permit;
(f) whether the person held a fire protection industry permit that was cancelled.

315 Minister may cancel or suspend permit

(1) The Minister may cancel or suspend a fire protection industry permit if he or she is satisfied that the holder:
   (a) is no longer a fit and proper person to hold the permit; or
   (b) has contravened a condition to which the permit was subject; or
   (c) for an extinguishing agent trading authorisation — does not meet the requirements mentioned in subregulation 331 (3); or
(d) for a halon special permit — does not meet the requirements mentioned in subregulation 341 (3).

(1A) The Minister may suspend a fire protection industry permit:
(a) for a fixed period; or
(b) until the Minister is satisfied on reasonable grounds that:
   (i) a thing that contributes to the grounds for the suspension is remedied; and
   (ii) if the thing is required to be remedied in a stated way — the thing is remedied in that way or in a way that is equally effective.

(2) The Minister cancels or suspends a fire protection industry permit by giving the holder a notice:
(a) stating that the permit has been cancelled or suspended; and
(b) setting out the reasons for the cancellation or suspension; and
(c) stating:
   (i) for a suspension for a fixed period — the period of the suspension; or
   (ii) for a suspension mentioned in paragraph (1A) (b) — the date the suspension begins and that the permit is suspended until a stated thing is remedied.

(2A) A notice that contains a statement mentioned in subparagraph (2) (c) (ii) may also state how the thing is to be remedied.

(2B) For a permit that is suspended until a stated thing is remedied, the holder must tell the Minister in writing when, and how, the thing is remedied.

(2C) If the Minister decides that the thing is remedied:
(a) the Minister must give the holder a notice stating that the Minister is satisfied that the thing is remedied; and
(b) the suspension ends on the day after the day the holder is given the notice.

(2D) If the Minister decides that the thing is not remedied, the Minister must give the holder a notice stating that the Minister is not satisfied that the thing is remedied.
(3) The Minister may delegate his or her powers under this regulation to an SES employee or acting SES employee in the Department.

(4) In exercising powers under a delegation, the delegate must comply with any directions of the Minister.

316 Reconsideration of decisions

(1) Application may be made:
   (a) to the Fire Protection Industry (ODS & SGG) Board for reconsideration of any of the following:
       (i) a refusal of an application for a fire protection industry permit;
       (ii) a decision about the period for which a permit is in force;
       (iii) a decision imposing a condition on a permit; or
   (b) to the Minister for reconsideration of a decision:
       (i) to suspend or cancel a permit; or
       (ii) that a thing that contributes to the grounds for a suspension of a permit is not remedied.

(2) An application for reconsideration of a decision must:
   (a) be made within 21 days of the day on which the person received notice of the decision; and
   (b) set out the reasons why the person wants the decision reconsidered.

(3) If the Board or Minister receives an application, the Board or Minister may:
   (a) confirm the decision; or
   (b) vary or reverse the decision.

(4) Before making a decision under subregulation (3), the Board or Minister may ask the applicant in writing to give the Board or Minister further information that the Board or Minister reasonably needs to make the decision.
(5) If the Board or Minister asks for further information under subregulation (4), the period starting on the day the written request is made and ending on the day the applicant gives the information is not to be counted for subregulation (7).

(6) However, if the applicant does not give the Board or Minister the information before the thirtieth day after the day the written request is made, that day and each day after that is to be counted for subregulation (7).

(7) If the Board or Minister does not confirm, vary or reverse a decision within 60 days after the day the Board or Minister receives an application for reconsideration of the decision, the Board or Minister is taken to have confirmed the decision.

317 Review of decisions
Application may be made to the Administrative Appeals Tribunal for the review of a decision that was confirmed or varied by the Board or Minister under subregulation 316 (3).

318 Permit not in force if suspended
A fire protection industry permit is not in force during any period of suspension.

319 Powers of inspectors
An inspector appointed under section 49 of the Act may exercise the powers given to him or her under Part VIII of the Act at premises used, by the holder of a fire protection industry permit, for:
(a) activities permitted by the permit; or
(b) storage of records relating to activities permitted by the permit.
Subdivision 6A.4.3 Extinguishing agent handling licences

Note Regulation number 320 is intentionally not used.

321 Grant of extinguishing agent handling licences — general

(1) The fee to apply for 1 or more licences under this Subdivision is $200.

(2) However, if the application is for 1 licence which is to be in force for 12 months or less, the fee is $100.

(3) A licence granted under this Subdivision is in force:
   (a) from the day on which it is granted, or another day specified, in writing, by the Fire Protection Industry (ODS & SGG) Board; and
   (b) for a period of no more than:
      (i) 24 months; or
      (ii) if the licence is granted under regulation 324 — 12 months;
           specified, in writing, by the Board.

(4) If the Board grants 1 or more licences to a person it must give the person a document setting out the details of each licence granted.

(5) The holder of a licence that is in force (a first licence) may apply, free of charge, for a licence of another kind (a further licence).

(6) A further licence granted by the Board must cease to be in force on, or before, the day on which the first licence ceases to be in force.

322 Extinguishing agent handling licences — qualified persons

(1) The Fire Protection Industry (ODS & SGG) Board may, on application, grant to a person a licence mentioned in an item in column 2 of Table 322, entitling him or her to engage in the work described in column 3 of the item if it is satisfied that he
or she has achieved all of the units of competency mentioned in column 4 of the item.

Note 1 Regulation 313 also applies to an application.

Note 2 A person is entitled to apply for any number of licences.

(2) For this regulation, a unit of competency is a unit of competency endorsed by the National Quality Council.

Table 322 Licences and entitlements

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<th>Entitlement of licensee</th>
<th>Units of competency required</th>
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<tr>
<td>1</td>
<td>Portable Fire Extinguisher Maintenance Licence</td>
<td>To charge and recharge a portable fire extinguisher, and repair the extinguisher valve</td>
<td>PRMPFES03C Safely move materials and loads in the workplace</td>
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<td>PRMPFES06C Prepare for installation and service operations</td>
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<td>PRMPFES14C Service portable fire extinguishers in the workshop</td>
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<td>PRMPFES21C Service wheeled fire extinguishers in the workshop</td>
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<td></td>
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<td>PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions</td>
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<td></td>
<td>PRMPFES53A Participate in workplace safety arrangements</td>
</tr>
<tr>
<td>Item</td>
<td>Licence</td>
<td>Entitlement of licensee</td>
<td>Units of competency required</td>
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| 2    | Fixed System Installation and Decommissioning Licence | (1) To install and decommission a gaseous fire extinguishing system (fire protection equipment) including:  
(a) to install and disconnect actuation devices (mechanisms) to and from container valves; and  
(b) to install and disconnect gaseous agent containers; and  
(c) to install and disconnect any interconnections to other gaseous system containers; and  
(d) to install and disconnect ancillary equipment connections to manifold and pipework; and  
(e) to attach and remove transport equipment, such as valve outlet and actuator port caps, plugs and locking devices installed to prevent accidental discharge | PRMPFES03C Safely move materials and loads in the workplace  
PRMPFES06C Prepare for installation and service operations  
PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions  
PRMPFES44A Interpret installation requirements for gaseous fire suppression systems  
PRMPFES45A Install gaseous agent containers and actuation devices  
PRMPFES46A Decommission gaseous agent containers and actuation devices  
PRMPFES53A Participate in workplace safety arrangements |
<p>|      |         | (2) Commission actuation control devices set to operate and engage safety devices as needed and decommission these devices | |</p>
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<td>3</td>
<td>Fixed System Testing and Maintenance Licence</td>
<td>To test and maintain a gaseous fire extinguishing system (fire protection equipment), including:</td>
<td>PRMPFES03C Safely move materials and loads in the workplace</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) to test actuation release systems; and</td>
<td>PRMPFES06C Prepare for installation and service operations</td>
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<td></td>
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<td>(b) to disconnect and reconnect actuation devices (mechanisms); and</td>
<td>PRMPFES25C Inspect, test and maintain gaseous fire suppression systems</td>
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<td></td>
<td></td>
<td>(c) to disconnect and reconnect any interconnections to other gaseous systems containers; and</td>
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<td></td>
<td></td>
<td>(d) to disconnect and reconnect ancillary equipment connections from containers to manifold and pipework; and</td>
<td>PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) to test actuation devices (mechanisms); and</td>
<td>PRMPFES46A Decommission gaseous agent containers and actuation devices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) to perform any tests and maintenance on any Fire Detection and Alarm System, including any remote operation panel and actuation and control system that interfaces with or forms part of a gaseous fire extinguishing system; and</td>
<td>PRMPFES47A Inspect and test control and indicating equipment</td>
</tr>
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<td></td>
<td>PRMPFES53A Participate in workplace safety arrangements</td>
</tr>
<tr>
<td>Item</td>
<td>Licence</td>
<td>Entitlement of licensee</td>
<td>Units of competency required</td>
</tr>
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<tr>
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<td>(g) to perform any tests and maintenance on gaseous agent containers and ancillary equipment connections from containers to manifold and pipework</td>
<td>PRMPFES03C Safely move materials and loads in the workplace</td>
</tr>
<tr>
<td>4</td>
<td>Recovery, Reclamation, Fill and Recycling Licence</td>
<td>To recover, reclaim, fill and recycle an extinguishing agent into and from a fire extinguisher and gaseous fire extinguishing system container from and to a bulk agent container</td>
<td>PRMPFES14C Service portable fire extinguishers in the workshop</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions</td>
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<td></td>
<td>PRMPFES48A Receive and dispatch ozone depleting substance and synthetic greenhouse gas containers</td>
</tr>
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<td></td>
<td>PRMPFES49A Recover, reclaim and fill operations for ozone depleting substances and synthetic greenhouse gases</td>
</tr>
<tr>
<td></td>
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<td>PRMPFES53A Participate in workplace safety arrangements</td>
</tr>
<tr>
<td>Item</td>
<td>Licence</td>
<td>Entitlement of licensee</td>
<td>Units of competency required</td>
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</tr>
</tbody>
</table>
| 5    | Warehouse Maintenance Licence | To monitor for leakage stocks of extinguishing agent bulk agent containers in a warehouse and, as needed, to transfer the extinguishing agent from a leaking storage container | PRMPFES03C Safely move materials and loads in the workplace  
PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions  
PRMPFES48A Receive and dispatch ozone depleting substance and synthetic greenhouse containers  
PRMPFES49A Recover, reclaim and fill operations for ozone depleting substances and synthetic greenhouse gases  
PRMPFES50A Monitor storage operations for ozone depleting substances and synthetic greenhouse gases  
PRMPFES53A Participate in workplace safety arrangements |
6 Control Systems Installation, Commissioning and Decommissioning Licence

To install, commission and decommission a fire detection and alarm system, including any remote operation panel and actuation and control system that interfaces with or forms part of a gaseous fire extinguishing system

- PRMPFES43A Prevent ozone depleting substance and synthetic greenhouse gas emissions
- UEENEEH061A Position and terminate fire detection and warning system apparatus
- UEENEEH062A Verify compliance and functionality of fire protection installations
- UEENEEH063A Enter and verify programs in preparation for commissioning fire protection systems
- UEENEEH064A Commission commercial fire protection systems
- UEENEEH065A Find and repair faults in fire protection systems

Note A unit of competency is referred to by a code followed by a description of the unit.

323 Special extinguishing agent handling licence

The Fire Protection Industry (ODS & SGG) Board may, on application, grant an extinguishing agent handling licence (called a special extinguishing agent handling licence) to a person, entitling him or her to carry out work:

(a) at a specified kind of place (for example, an off-shore drilling platform); or

(b) on specified fire protection equipment (for example, aviation or maritime equipment); or

(c) both at a specified kind of place and on specified equipment;

if:

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995
(d) the work to be covered by the licence requires skills or knowledge (or both skills and knowledge) that are outside the scope of those required for a licence mentioned in Table 322; and

(e) the person provides evidence that he or she is able to carry out the work in a way that is appropriate for the grant of the licence.

324 Extinguishing agent handling licences — experienced persons

The Board may, on application, grant an extinguishing agent handling licence to a person if the Board is satisfied that the person is suitably qualified to hold a licence because he or she has engaged in, or supervised, work of the kind to be permitted by the licence.

325 Extinguishing agent trainee licence

The Board may, on application, grant an extinguishing agent handling licence (called an extinguishing agent trainee licence) to a person, entitling the person to carry out activities authorised by a licence mentioned in an item in Table 322 while under the supervision of a holder of a licence of that kind.

326 Licence conditions

(1) A licence granted under this Subdivision is subject to the condition that the licensee:

(a) carries out the work to which the licence relates in accordance with any standard set out in an item in column 2 of Table 326 that relates to the work; and

(b) gives any extinguishing agent recovered from fire protection equipment to:

(i) the holder of an extinguishing agent trading authorisation; or

(ii) the operator of an approved extinguishing agent destruction facility; and
(c) ensures that any equipment used to transfer an extinguishing agent from one vessel to another:
   (i) is fit for its purpose; and
   (ii) is tested, and approved as being fit for the transfer of extinguishing agents, at least once every 2 years by a person accredited by the National Association of Testing Authorities, Australia; and
   (iii) is otherwise appropriately maintained; and
(d) submits a report to the Board describing the circumstances relating to any lawful emission of an extinguishing agent; and
(e) does not carry out any work to which the licence relates (other than decommissioning or disposal or work in the aviation or maritime industries) on fire protection equipment that does not comply with any standard mentioned in Table 326 that applies to the equipment.

(2) The Fire Protection Industry (ODS & SGG) Board may impose a condition on a licence, and must set out the condition on:
   (a) the licence document; or
   (b) a written notice given by the Board to the licensee.

(3) The Board may impose a condition on a licence at any time.

(4) A licensee must not contravene a condition of his or her licence.
Table 326  Standards

<table>
<thead>
<tr>
<th>Item</th>
<th>Standard</th>
<th>Title of standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AS 1851-2005</td>
<td>Maintenance of fire protection equipment – Portable fire extinguishers and fire blankets</td>
</tr>
<tr>
<td>2</td>
<td>AS 1851-2005</td>
<td>Maintenance of fire protection equipment – Halon 1301 total flooding systems</td>
</tr>
<tr>
<td>3</td>
<td>AS 1851-2005</td>
<td>Maintenance of fire protection equipment – Gaseous fire extinguishing systems</td>
</tr>
<tr>
<td>4</td>
<td>AS 2030.1-1999</td>
<td>The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases – Cylinders for compressed gases other than acetylene</td>
</tr>
<tr>
<td>5</td>
<td>AS 1210-1997</td>
<td>Pressure vessels</td>
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<td>6</td>
<td>AS 4214-2002</td>
<td>Gaseous fire extinguishing systems</td>
</tr>
<tr>
<td>8</td>
<td>AS 4077.2-1992</td>
<td>Fire protection – Fire extinguishing media – Halogenated hydrocarbons – Code of practice for safe handling and transfer procedures of halon 1211 and halon 1301</td>
</tr>
<tr>
<td>9</td>
<td>ISO 14520</td>
<td>Gaseous fire extinguishing systems – Physical properties and system design</td>
</tr>
</tbody>
</table>

Subdivision 6A.4.4  Extinguishing agent trading authorisations

Note  Regulation numbers 328, 329 and 330 are intentionally not used.

331  Grant of authorisations

(1) The Fire Protection Industry (ODS & SGG) Board may, on application, grant an extinguishing agent trading authorisation to a person, permitting the person to acquire, store or dispose of an extinguishing agent that is for use, or has been used, in fire protection equipment.
Note Regulation 313 also applies to an application.

(1A) However, an authorisation does not permit a person to acquire, store or dispose of halon.

Note For a permit to possess halon: see regulation 341.

(2) The application fee for an authorisation is $300.

(3) The Board must not grant an authorisation unless it is satisfied that the applicant:

(a) has business premises that are equipped and operating so as to be able to handle, and prevent avoidable emissions of, any extinguishing agent; and

(b) is able to ensure that extinguishing agents are handled only by persons who are licensed to do so.

(5) An authorisation is in force:

(a) from the day on which it is granted, or another day specified by the Board in writing; and

(b) for a period, of no more than 24 months, specified, in writing, by the Board.

332 Conditions on authorisations

(1) An extinguishing agent trading authorisation is granted subject to the conditions that the holder:

(a) keeps up-to-date records showing the amounts of extinguishing agent acquired, disposed of and recovered from equipment by the holder during each quarter; and

(b) 14 days or less after receiving a request in writing by the Fire Protection Industry (ODS & SGG) Board, sends to the Board copies of the records mentioned in paragraph (a); and

(c) has equipment that is adequate for the holder’s activities, including 1 or more of each of the following:

(i) unless the holder has leak detection procedures in place — leak detectors;

(ii) vacuum pumps;

(iii) recovery units; and
(d) maintains, so that it operates correctly, each item of the holder’s equipment that is necessary to prevent avoidable emissions of any extinguishing agent; and

(e) at least every quarter, checks any extinguishing agent container at the holder’s premises for leaks; and

(f) does not fill a container unless it meets AS/NZS 2030.1; and

(g) puts into effect for the premises a risk management plan that is approved, in writing, by the Board; and

(h) handles any extinguishing agent in accordance with each applicable standard mentioned in Table 326; and

(i) delivers, to the operator of an approved extinguishing agent destruction facility, any extinguishing agent that is to be destroyed.

(2) A holder may satisfy a requirement of subregulation (1) by ensuring that another person satisfies the requirement on behalf of the holder.

(3) A risk management plan for paragraph (1) (g):

(a) must be prepared in accordance with AS 4360:2004; and

(b) must include information about how the following matters will be dealt with:

(i) emissions from leaks in, or the failure of, storage vessels;

(ii) damage by intruders;

(iii) the transfer of extinguishing agents from a leaking storage vessel; and

(c) may be approved by the Board only if the Board thinks that the plan, if put into effect, would allow the premises to operate in a way that is consistent with Australia’s obligations under the Montreal Protocol.

(4) It is also a condition of a extinguishing agent trading authorisation that the holder accepts any surrendered extinguishing agent that has been used, or appears to be intended for use, in fire protection equipment.
(5) The Board may specify that an authorisation is subject to a condition, and must set out the condition on:
   (a) the document that provides evidence of the authorisation; or
   (b) a written notice given by the Board to the holder.

(6) For paragraph (5) (b), a notice may be given at any time.

Subdivision 6A.4.5 Permit and exemption

   Note Regulation numbers 334 to 340 (inclusive) are intentionally not used.

341 Halon special permit

(1) The Fire Protection Industry (ODS & SGG) Board may, on application, grant a written permit (a halon special permit) to a person, entitling him or her to possess halon that is for use in fire protection equipment.

   Note Regulation 313 also applies to an application.

(2) The application fee for a halon special permit is $200.

(3) The Board may grant a halon special permit to a person only if it is satisfied that:
   (a) the applicant, because of his or her training and experience, is able to competently carry out the activities covered by the permit; and
   (b) the applicant’s use of the halon is for a purpose that is necessary to protect human life or operate equipment that is critical to the community; and
   (c) there is no alternative to the halon’s use that is:
      (i) practicable; and
      (ii) available at a reasonable cost; and
      (iii) safe; and
      (iv) likely to result in less damage to the environment.

(4) A permit granted under this regulation remains in force for 12 months, or any lesser period specified in the permit, from the date of the grant.
(5) The Board may put a condition on a halon special permit.

Examples
1. A condition about the purpose for which the halon is to be used.
2. A condition about the people who are allowed to deal with the halon when it is in the permit-holder’s possession.

342 Special circumstances exemption

(1) The Fire Protection Industry (ODS & SGG) Board may grant a written exemption (a special circumstances exemption) to a person, entitling the person to the privileges of the holder of:
   (a) an extinguishing agent handling licence; or
   (b) an extinguishing agent trading authorisation; or
   (c) a halon special permit;
   as specified in the exemption.

(1A) The application fee for a special circumstances exemption is $200.

(2) The Board may accept an application from a person who applies, in writing, to the Board, setting out:
   (a) the name and address of the person; and
   (b) the activities to be carried out by the person, for which the exemption is being sought; and
   (c) any other information relevant to the Board’s decision whether or not to grant the exemption.
(3) The Board:

(a) may grant the exemption only if it is satisfied that there are special circumstances that justify the grant, and:

(i) if the applicant is an individual — he or she is able to competently carry out the activities covered by the exemption; or

(ii) if the applicant is an organisation — the organisation has suitably qualified employees and suitable equipment to carry out the activities covered by the exemption; and

(b) must on the exemption, specify:

(i) the period for which the exemption is in force; and

(ii) the activities that may be carried out under the exemption; and

(iii) any other information that is relevant to the exemption.

*Note* Regulation numbers 343 to 399 (inclusive) are intentionally not used.