



# **Industrial Chemicals (Notification and Assessment) Amendment Act 2019**

**No. 14, 2019**

**An Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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## **An Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes**

[Assented to 12 March 2019]

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Industrial Chemicals (Notification and Assessment) Amendment Act 2019*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	12 March 2019
2. Schedule 1	The latest of the following: (a) 1 July 2017; (b) the day this Act receives the Royal Assent; (c) the day the <i>Industrial Chemicals Act 2019</i> receives the Royal Assent; (d) the day the <i>Industrial Chemicals Charges (Customs) Act 2019</i> receives the Royal Assent; (e) the day the <i>Industrial Chemicals Charges (Excise) Act 2019</i> receives the Royal Assent; (f) the day the <i>Industrial Chemicals Charges (General) Act 2019</i> receives the Royal Assent.  However, the provisions do not commence at all if the events mentioned in paragraphs (c) to (f) do not occur.	3 April 2019 (paragraphs (d) to (f) apply)
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### *Industrial Chemicals (Notification and Assessment) Act 1989*

#### **1 Subsection 5(1) (definition of *new synthetic polymer*)**

Repeal the definition, substitute:

*new synthetic polymer* means:

- (a) a synthetic polymer that includes a combination of monomers and other reactive components each representing greater than 2% by weight, being a combination not listed in the Inventory; or
- (b) a synthetic polymer of whose weight greater than 2% is attributable to a monomer or other reactive component that is not listed in the Inventory as a component of a synthetic polymer.

#### **2 Subsection 5(1) (definition of *polymer of low concern*)**

Repeal the definition, substitute:

*polymer of low concern* means a polymer that:

- (a) either:
  - (i) has a number average molecular weight that is greater than or equal to 1,000 and has such other characteristics relating to weight as are prescribed by the regulations; or
  - (ii) is made from a prescribed reactant and has molecules that contain 2 or more carboxylic acid ester linkages, one or more of which links internal monomer units together; and
- (b) has a low charge density, within the meaning prescribed by the regulations; and
- (c) is not a hazardous chemical; and
- (d) does not dissociate readily, within the meaning prescribed by the regulations; and
- (e) under the conditions in which it is used is stable, within the meaning prescribed by the regulations; and



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- (f) has such other characteristics as are prescribed by the regulations.

### **3 At the end of subsection 21(6)**

Add:

- ; (d) a new industrial chemical:
- (i) that is a polymer of low concern; and
  - (ii) whose introduction meets any requirements, prescribed in regulations for the purposes of this subparagraph, relating to its introduction.

### **4 Subsection 21L(1) (note)**

Repeal the note.

### **5 Section 40N**

Repeal the section.

### **6 Section 80Q**

Repeal the section.

### **7 Subsection 80QA(1)**

Repeal the subsection, substitute:

- (1AA) This section applies in relation to a person who has paid an amount on account of the registration charge payable in relation to a registration year under any of the following:
- (a) subparagraph 80F(d)(i) or (ii);
  - (b) subparagraph 80KA(1)(e)(i) or (ii);
  - (c) subparagraph 80KB(2)(c)(i) or (ii).
- (1) The Director must, on the basis of any relevant information that is available to the Director, issue an assessment of registration charge payable by a person in relation to the registration year.
- (1A) The assessment must be in writing and set out the following:
- (a) if registration charge is payable by the person in relation to the year—the amount of charge so payable;
  - (b) if registration charge is not payable by the person in relation to the year—a statement to that effect;

(c) if registration charge is payable by the person in relation to the year but the person is entitled to be repaid the charge under subsection 80P(3)—the amount of the charge so payable and the amount of the repayment.

(1B) If the Director is satisfied that further information is required to issue the assessment, he or she may, by written notice given to the person, require the person to:

- (a) provide the further information; and
- (b) do so within a period specified in the notice (which must be at least 28 days after the day the notice is given).

## 8 Paragraph 102(1)(b)

Omit “80Q(1).”.

## 9 Application—polymer of low concern

The amendment of the definition of *polymer of low concern* in subsection 5(1) of the *Industrial Chemicals (Notification and Assessment) Act 1989* made by this Schedule applies in relation to industrial chemicals that are introduced on or after the day this item commences.

## 10 Savings—regulations

- (1) This item applies to regulations if:
  - (a) the regulations were made for the purposes of the definition of *polymer of low concern* in subsection 5(1) of the *Industrial Chemicals (Notification and Assessment) Act 1989*; and
  - (b) the regulations were in force immediately before the day this item commences.
- (2) On and after that day, the regulations continue in force, and may be dealt with, as if the regulations had been made under that definition as amended by this Schedule.

**11 Application—assessment of registration charge by Director**

The amendments of section 80QA of the *Industrial Chemicals (Notification and Assessment) Act 1989* made by this Schedule apply in relation to an assessment issued on or after the day this item commences.

**12 Application—review of decisions**

Despite the amendments made by this Schedule, section 102 of the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force immediately before the day this item commences, continues to apply in relation to decisions made by the Director before that day for the purposes of subsection 80Q(1), as if those amendments had not been made.

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[*Minister's second reading speech made in—  
House of Representatives on 1 June 2017  
Senate on 18 October 2017*]

(98/17)

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