



# **Industrial Chemicals (Notification and Assessment) Amendment (Reforms) Regulations 2019**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Bridget McKenzie  
Minister for Regional Services, Sport, Local Government and Decentralisation

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## 1 Name

This instrument is the *Industrial Chemicals (Notification and Assessment) Amendment (Reforms) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of Schedule 1 to the <i>Industrial Chemicals (Notification and Assessment) Amendment Act 2019</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	6 April 2019 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

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

## 3 Authority

This instrument is made under the *Industrial Chemicals (Notification and Assessment) Act 1989*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Amendments

#### *Industrial Chemicals (Notification and Assessment) Regulations 1990*

##### 1 Regulation 2

Insert:

*high concern reactive functional group*: see clause 3 of Schedule 3.

*low concern reactive functional group*: see clause 1 of Schedule 3.

*moderate concern reactive functional group*: see clause 2 of Schedule 3.

##### 2 Regulations 4A, 4B and 4CA

Repeal the regulations, substitute:

##### **4A *Polymer of low concern*—number average molecular weight greater than or equal to 1,000 and less than 10,000 (Act s 5)**

- (1) For the purposes of subparagraph (a)(i) of the definition of *polymer of low concern* in subsection 5(1) of the Act, the characteristics relating to weight for a polymer that has a number average molecular weight that is greater than or equal to 1,000, but less than 10,000, are set out in this regulation.

*General*

- (2) The polymer must:
- (a) have less than 10% by mass of molecules with molecular weight that is less than 500; and
  - (b) have less than 25% by mass of molecules with molecular weight that is less than 1,000.

*Polymers that include moderate concern reactive functional groups and do not include high concern reactive functional groups*

- (3) In addition to the characteristics mentioned in subregulation (2), if the polymer includes moderate concern reactive functional groups, and does not include high concern reactive functional groups, the polymer must have a combined functional group equivalent weight of at least 1,000.
- (4) In calculating the weight mentioned in subregulation (3), all moderate concern reactive functional groups included in the polymer must be taken into account.

*Polymers that include high concern reactive functional groups*

- (5) In addition to the characteristics mentioned in subregulation (2), if the polymer includes high concern reactive functional groups, the polymer must have a combined functional group equivalent weight of at least 5,000.
- (6) In calculating the weight mentioned in subregulation (5), the following must be taken into account:

- (a) all moderate concern reactive functional groups included in the polymer;
- (b) all high concern reactive functional groups included in the polymer.

**4B Polymer of low concern—number average molecular weight that is 10,000 or greater (Act s 5)**

For the purposes of subparagraph (a)(i) of the definition of *polymer of low concern* in subsection 5(1) of the Act, the characteristics relating to weight for a polymer that has a number average molecular weight that is 10,000 or greater are that the polymer must:

- (a) have less than 2% by mass of molecules with molecular weight that is less than 500; and
- (b) have less than 5% by mass of molecules with molecular weight that is less than 1,000.

**3 Before subregulation 4I(1)**

Insert:

- (1A) For the purposes of paragraph (f) of the definition of *polymer of low concern* in subsection 5(1) of the Act, the characteristics set out in this regulation are prescribed.

**4 Subregulation 4I(1)**

Omit “For paragraph (f) of the definition of *polymer of low concern* in section 5 of the Act, a polymer”, substitute “A polymer”.

**5 Subregulations 4I(2) and (3)**

Omit “For paragraph (f) of that definition, a polymer”, substitute “A polymer”.

**6 At the end of regulation 4I**

Add:

- (4) A polymer must not contain as an integral part of its composition (except as an impurity) a chain (whether branched or linear) of fully fluorinated carbon atoms, at least one end of which is terminated by a perfluoromethyl (CF<sub>3</sub>) group.

**7 After subregulation 6AB(1B)**

Insert:

- (1C) For the purposes of subparagraph 21(6)(d)(ii) of the Act, the requirements set out in subregulations (7A), (8) and (9) are prescribed.

**8 Subregulation 6AB(5A)**

Repeal the subregulation.

**9 Subparagraph 6AB(7)(a)(i)**

Omit “(5A)”, substitute “(5)”.

**10 Subparagraph 6AB(7)(b)(i)**

Omit “and (5A)”.

## 11 Schedule 3

Repeat the Schedule, substitute:

### Schedule 3—Reactive functional groups

Note: See the definitions of *low concern reactive functional group*, *moderate concern reactive functional group* and *high concern reactive functional group* in regulation 2.

#### 1 Low concern reactive functional groups

A reactive functional group mentioned in the following table is a *low concern reactive functional group*.

Low concern reactive functional groups	
Item	Reactive functional group
1	Aliphatic hydroxyls
2	Blocked isocyanates (including ketoxime-blocked isocyanates)
3	Butenedioic acid groups
4	Carboxylic acids
5	Conjugated olefinic groups contained in naturally occurring fats, oils and carboxylic acids
6	Halogens (except reactive halogen-containing groups such as benzylic or allylic halides)
7	Thiols
8	Unconjugated nitriles
9	Unconjugated olefinic groups considered “ordinary” (that is, unconjugated olefinic groups not specifically activated by being part of a larger functional group or by other activating influences)

#### 2 Moderate concern reactive functional groups

A reactive functional group mentioned in the following table is a *moderate concern reactive functional group*.

Moderate concern reactive functional groups	
Item	Reactive functional group
1	Acid anhydrides
2	Acid halides
3	Aldehydes
4	Alkoxysilanes (with alkoxy greater than C <sub>2</sub> -alkoxysilane)
5	Allyl ethers
6	Conjugated olefinic groups not contained in naturally occurring fats, oils and carboxylic acids
7	Cyanates
8	Epoxides
9	Hemiacetals
10	Imines (ketimines and aldimines)
11	Methylol-amides



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**Moderate concern reactive functional groups**

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**Item    Reactive functional group**

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12	Methylol-amines
13	Methylol-ureas
14	Unsubstituted positions ortho and para to phenolic hydroxyl

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**3 High concern reactive functional groups**

A reactive functional group mentioned in the following table is a *high concern reactive functional group*.

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**High concern reactive functional groups**

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**Item    Reactive functional group**

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1	Alkoxysilanes (with alkoxy of C <sub>1</sub> - or C <sub>2</sub> - alkoxysilane)
2	Alpha lactones
3	Aziridines
4	Beta lactones
5	Carbodi-imides
6	Halosilanes
7	Hydrazines
8	Hydrosilanes
9	Isocyanates
10	Isothiocyanates
11	Partially-hydrolysed acrylamides
12	Pendant acrylates
13	Pendant methacrylates
14	Vinyl sulfones or analogous compounds
15	Any other reactive functional group that is not a low concern reactive functional group or a moderate concern reactive functional group

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**12 Part 1 of Schedule 4 (after table item 111)**

Insert:

111A	1,4-Cyclohexanedicarboxylic acid	1076-97-7
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**13 Part 1 of Schedule 4 (after table item 116)**

Insert:

116A	2,5-Furandione, dihydro-	108-30-5
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Schedule 1 Amendments

Part 1 Amendments

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**14 Part 1 of Schedule 4 (after table item 121)**

Insert:

121A	5-Isobenzofurancarboxylic acid, 1,3-dihydro-1,3-dioxo-	552-30-7
121B	1,3-Isobenzofurandione	85-44-9

**15 Part 1 of Schedule 4 (at the end of the table)**

Add:

131	Unsaturated fatty acids, C <sub>18</sub> , dimers, hydrogenated	68783-41-5
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**16 Part 2 of Schedule 4 (after table item 204)**

Insert:

204A	Ethanol	64-17-5
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**17 Part 2 of Schedule 4 (after table item 206)**

Insert:

206A	Methanol	67-56-1
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**18 Part 2 of Schedule 4 (after table item 209)**

Insert:

209A	1-Propanol, 2-methyl-	78-83-1
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**19 Part 3 of Schedule 4 (after table item 302)**

Insert:

302A	Castor oil	8001-79-4
302B	Castor oil, dehydrated	64147-40-6
302C	Castor oil, dehydrated, polymerised	68038-02-8

**20 Part 3 of Schedule 4 (after table item 303)**

Insert:

303A	Coconut oil, hydrogenated	84836-98-6
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**21 Part 3 of Schedule 4 (after table item 304)**

Insert:

304A	Corn-oil fatty acids	68308-50-9
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**22 Part 3 of Schedule 4 (after table item 312)**

Insert:

312A	Fatty acids, C <sub>8-10</sub>	68937-75-7
312B	Fatty acids, C <sub>14-18</sub> and C <sub>16-18</sub> -unsaturated	67701-06-8

**23 Part 3 of Schedule 4 (after table item 317)**

Insert:

317A	Fatty acids, olive-oil	92044-96-7
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**24 Part 3 of Schedule 4 (after table item 324)**

Insert:

324A	Fish oil	8016-13-5
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**25 Part 3 of Schedule 4 (after table item 326)**

Insert:

326A	Hexadecanoic acid	57-10-3
326B	9-Hexadecenoic acid, (9Z)-	373-49-9

**26 Part 3 of Schedule 4 (table item 328)**

Repeal the table item, substitute:

328A	Hexanoic acid, 3,3,5-trimethyl	23373-12-8
328	Hexanoic acid, 3,5,5-trimethyl	3302-10-1

**27 Part 3 of Schedule 4 (after table item 330)**

Insert:

330A	Linseed oil, polymerised	67746-08-1
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## Schedule 1 Amendments

### Part 1 Amendments

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#### 28 Part 3 of Schedule 4 (after table item 331)

Insert:

331A	Octadecanoic acid	57-11-4
331B	9-Octadecenoic acid (9Z)-	112-80-1
331C	9,12-Octadecadienoic acid (9Z,12Z)-	60-33-3

#### 29 Part 3 of Schedule 4 (after table item 335)

Insert:

335A	Olive oil	8001-25-0
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#### 30 Part 4 of Schedule 4 (after table item 408)

Insert:

408A	1,3-Propanediol	504-63-2
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#### 31 At the end of Schedule 4

Add:

## Part 5—Derivatives

### 1 Derivatives

The following table sets out substances that are derivatives of substances set out in Parts 1 and 3 of this Schedule.

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Derivatives	
Item	Substances
1	A diethyl or triethyl ester of a substance listed in Part 1 of this Schedule
2	A dimethyl or trimethyl ester of a substance listed in Part 1 of this Schedule
3	An anhydride of a substance listed in Part 1 or Part 3 of this Schedule
4	An ethyl ester of a substance listed in Part 1 or Part 3 of this Schedule
5	A methyl ester of a substance listed in Part 1 or Part 3 of this Schedule

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## **Part 2—Application provisions**

### ***Industrial Chemicals (Notification and Assessment) Regulations 1990***

#### **32 At the end of Schedule 5**

Add:

#### **2 Application of amendments made by Part 1 of Schedule 1 to the *Industrial Chemicals (Notification and Assessment) Amendment (Reforms) Regulations 2019***

##### *General*

- (1) The amendments made by the amending regulations apply in relation to the introduction of new industrial chemicals on or after the commencement time.

##### *Applications for permits and certificates*

- (2) Despite the amendments made by the amending regulations, these Regulations, as in force immediately before the commencement time, continue to apply in relation to an application for a permit or an assessment certificate made, but not finally determined, before the commencement time.

##### *Definitions*

- (3) In this regulation:

***amending regulations*** means Part 1 of Schedule 1 to the *Industrial Chemicals (Notification and Assessment) Amendment (Reforms) Regulations 2019*.

***commencement time*** means the time that the amending regulations commence.