



Australian Capital Territory

# Environment Protection (Industrial Chemicals) Amendment Regulation 2025 (No 1)

Subordinate Law SL2025-17

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The Australian Capital Territory Executive makes the following regulation under the *Environment Protection Act 1997*.

Dated 5 September 2025.

ANDREW BARR  
Chief Minister

SUZANNE ORR  
Minister

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Australian Capital Territory

# Environment Protection (Industrial Chemicals) Amendment Regulation 2025 (No 1)

Subordinate Law SL2025-17

made under the

[Environment Protection Act 1997](#)

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## 1 Name of regulation

This regulation is the *Environment Protection (Industrial Chemicals) Amendment Regulation 2025 (No 1)*.

## 2 Commencement

This regulation commences 6 months after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

### 3 Legislation amended

This regulation amends the [Environment Protection Regulation 2005](#).

### 4 New part 5A

*insert*

## Part 5A Industrial chemicals

### 52A Definitions—pt 5A

In this part:

**end use**—see the [Industrial Chemicals Act 2019](#) (Cwlth), section 9.

*Note* The [Industrial Chemicals Act 2019](#) (Cwlth) does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Act](#), s 164B).

**ICHEMS register** means the register established under the [Industrial Chemicals Environmental Management \(Register\) Act 2021](#) (Cwlth), section 22 (1).

*Note* The IChEMS register does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Act](#), s 164B). The IChEMS register is accessible at [www.legislation.gov.au](http://www.legislation.gov.au).

**ICHEMS scheduling decision**, for an industrial chemical, means a scheduling decision for the industrial chemical in force under the [Industrial Chemicals Environmental Management \(Register\) Act 2021](#) (Cwlth), section 11.

**industrial chemical**—see the [Industrial Chemicals Environmental Management \(Register\) Act 2021](#) (Cwlth), section 8.

**industrial use**—see the [Industrial Chemicals Act 2019](#) (Cwlth), section 9.

**52B      Certain industrial chemicals taken to cause environmental harm—Act, s 5 (b)**

- (1) An industrial chemical listed in the IChEMS register, schedule 6 or 7 is taken to cause environmental harm if it enters the environment.
- (2) An article or product containing an industrial chemical listed in the IChEMS register, schedule 6 or 7 is taken to cause environmental harm if the article or product enters the environment.
- (3) This section does not apply if the industrial chemical, or the article or product containing the industrial chemical, enters the environment in accordance with all applicable IChEMS scheduling decisions for the industrial chemical in the IChEMS register, schedules 6 and 7.

**52C      Compliance with IChEMS scheduling decisions for industrial chemicals**

A person must comply with an IChEMS scheduling decision that specifies—

- (a) that the manufacture of an industrial chemical is prohibited or restricted; or
- (b) that the manufacture of an article or product containing an industrial chemical is prohibited or restricted; or
- (c) that an end use for an industrial chemical is prohibited or restricted; or
- (d) that a use of an article or product containing an industrial chemical is prohibited or restricted; or
- (e) a risk management measure for an industrial chemical or an end use of an industrial chemical; or
- (f) a risk management measure for an article or product containing an industrial chemical.

## **52D Offence—contravention of IChEMS scheduling decision**

- (1) A person commits an offence if—
- (a) the person engages in conduct; and
  - (b) the conduct contravenes an IChEMS scheduling decision mentioned in section 52C (other than a risk management measure applying the IChEMS Minimum Standards).

Maximum penalty:

- (a) if the IChEMS scheduling decision is in the IChEMS register, schedule 1, 2 or 3—5 penalty units; or
- (b) if the IChEMS scheduling decision is in the IChEMS register, schedule 4 or 5—10 penalty units; or
- (c) if the IChEMS scheduling decision is in the IChEMS register, schedule 6 or 7—20 penalty units.

*Note* **Conduct** includes acts and omissions (see [Act](#), dict).

- (2) An exception provided in an IChEMS scheduling decision is taken to be an exception to an offence against this section.

### **Example—exception provided in IChEMS scheduling decision**

an exception to a prohibition on the end use for an industrial chemical that allows its end use for a particular purpose

- (3) This section does not apply to an industrial chemical, or an article or product containing an industrial chemical, if—
- (a) for an IChEMS scheduling decision that applies to the manufacture of the chemical, article or product—the chemical, article or product was manufactured for purposes that do not include an industrial use by any person; or
  - (b) for an IChEMS scheduling decision that applies to the use (including end use) of the chemical, article or product—the use by the person was not an industrial use; or

(c) in any case—

- (i) the chemical, article or product was manufactured for purposes that do not include an industrial use by any person; and
- (ii) no use (including end use) by any person of the chemical, article or product was an industrial use.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) and s (3) (see [Criminal Code](#), s 58).

(4) An offence against this section is a strict liability offence.

**52E Offence—contravention of IChEMS scheduling decision—  
IChEMS Minimum Standards**

(1) A person commits an offence if—

- (a) the person engages in conduct; and
- (b) the conduct contravenes an IChEMS scheduling decision mentioned in section 52C that is a risk management measure applying the IChEMS Minimum Standards.

Maximum penalty:

- (a) if the IChEMS scheduling decision is in the IChEMS register, schedule 1, 2 or 3—5 penalty units; or
- (b) if the IChEMS scheduling decision is in the IChEMS register, schedule 4 or 5—10 penalty units; or
- (c) if the IChEMS scheduling decision is in the IChEMS register, schedule 6 or 7—20 penalty units.

*Note* **Conduct** includes acts and omissions (see [Act](#), dict).

- (2) This section does not apply to an industrial chemical, or an article or product containing an industrial chemical, if—
- (a) the chemical, article or product was manufactured for purposes that do not include an industrial use by any person; and
  - (b) no use (including end use) by any person of the chemical, article or product was an industrial use.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

## 5 Dictionary, new definitions

*insert*

**end use**, for part 5A (Industrial chemicals)—see the [Industrial Chemicals Act 2019](#) (Cwlth), section 9.

**IChEMS register**, for part 5A (Industrial chemicals)—see section 52A.

**IChEMS scheduling decision**, for an industrial chemical, for part 5A (Industrial chemicals)—see section 52A.

**industrial chemical**, for part 5A (Industrial chemicals)—see the [Industrial Chemicals Environmental Management \(Register\) Act 2021](#) (Cwlth), section 8.

**industrial use**, for part 5A (Industrial chemicals)—see the [Industrial Chemicals Act 2019](#) (Cwlth), section 9.

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## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 11 September 2025.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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