



Industrial Chemicals (Notification and Assessment) Amendment Act 2012

No. 147, 2012

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 in ComLaw (<http://www.comlaw.gov.au/>)

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No. 147, 2012

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

[Assented to 6 November 2012]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Industrial Chemicals (Notification and Assessment) Amendment Act 2012*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	6 November 2012
2. Schedule 1	1 July 2013.	1 July 2013
3. Schedule 2	The day this Act receives the Royal Assent.	6 November 2012

Note: This table relates only to the provisions of this Act as originally enacted.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.

- (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 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Amendments

Industrial Chemicals (Notification and Assessment) Act 1989

1 Subsection 5(1) (definition of *threshold value*)

Omit “\$500,000”, substitute “\$100,000”.

2 Subsection 80A(3)

Omit “this financial year”, substitute “the registration year”.

3 Paragraph 80F(e)

Repeal the paragraph, substitute:

- (d) if the person is a chargeable person in relation to that registration year—be accompanied by:
 - (i) the amount prescribed for the purposes of item 1 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or
 - (ii) the amount prescribed for the purposes of item 2 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or
 - (iii) a registration charge in relation to that registration year in the amount prescribed for the purposes of item 3 of the table in subsection 80T(2).

4 Paragraph 80KA(1)(e)

Repeal the paragraph, substitute:

- (e) if the person is a chargeable person in relation to that registration year—be accompanied by:
 - (i) the amount prescribed for the purposes of item 1 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or

- (ii) the amount prescribed for the purposes of item 2 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or
- (iii) a registration charge in relation to that registration year in the amount prescribed for the purposes of item 3 of the table in subsection 80T(2).

5 Paragraph 80KB(2)(c)

Repeal the paragraph, substitute:

- (c) if the person is a chargeable person in relation to that registration year—be accompanied by:
 - (i) the amount prescribed for the purposes of item 1 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or
 - (ii) the amount prescribed for the purposes of item 2 of the table in subsection 80T(2), paid on account of any registration charge payable in relation to that registration year; or
 - (iii) a registration charge in relation to that registration year in the amount prescribed for the purposes of item 3 of the table in subsection 80T(2).

6 Subsection 80Q(1)

Omit “subparagraph 80F(e)(ii), 80KA(1)(e)(ii) or 80KB(2)(c)(ii)”, substitute “subparagraph 80F(d)(i) or (ii), 80KA(1)(e)(i) or (ii) or 80KB(2)(c)(i) or (ii)”.

7 Subsection 80QD(1)

Omit “paragraph 80T(2)(a) or (b)”, substitute “section 80T”.

8 Subsection 80T(1)

After “in accordance with”, insert “the table in”.

9 Subsection 80T(2)

Repeal the subsection, substitute:

- (2) The following table has effect:
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Registration charge payable

Item	If this case applies:	and the value of chemicals introduced in the registration year:	then the amount is:
1	the chargeable person has paid an amount on account of registration in relation to the registration year under subparagraph 80F(d)(i) or (ii), 80KA(1)(e)(i) or (ii) or 80KB(2)(c)(i) or (ii)	is equal to or exceeds \$100,000 but is less than \$500,000	the amount prescribed by regulation for the purposes of this table item.
2	the chargeable person has paid an amount on account of registration in relation to the registration year under subparagraph 80F(d)(i) or (ii), 80KA(1)(e)(i) or (ii) or 80KB(2)(c)(i) or (ii)	is equal to or exceeds \$500,000 but is less than \$5,000,000	the amount prescribed by regulation for the purposes of this table item.
3	the chargeable person has paid an amount on account of registration in relation to the registration year under subparagraph 80F(d)(i) or (ii), 80KA(1)(e)(i) or (ii) or 80KB(2)(c)(i) or (ii)	is equal to or exceeds \$5,000,000	the amount prescribed by regulation for the purposes of this table item.
4	any other case	is any value	the amount prescribed by regulation for the purposes of table item 3.

10 Paragraph 110(1)(c)

Repeal the paragraph.

11 Paragraph 110(1)(ub)

Omit “80KB(2).”, substitute “80KB(2);”.

12 At the end of subsection 110(1)

Add:

- (v) if a regulation made for the purposes of subsection 106(1) provides for approvals to be given in relation to the introduction or export of an industrial chemical that is subject to the Convention (within the meaning of Part 5A)—an application for the approval.

13 Subsection 110(1A)

Repeal the subsection, substitute:

- (1A) For the purposes of paragraph (1)(v), the regulations may prescribe different fees, or different methods of calculating fees, for an application for an approval in respect of different countries or different classes of countries.
- (1B) Subsection (1A) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Note: For example, subsection 33(3A) of the *Acts Interpretation Act 1901* allows regulations to prescribe different fees for applications in relation to different chemicals, or different classes of chemicals.

Part 2—Application provisions

14 Application of amendments

- (1) The amendment made by item 1 applies in relation to registration years starting on or after 1 September 2013.
- (2) The amendment made by item 3 applies in relation to applications for registration made in relation to registration years starting on or after 1 September 2013, whether the applications were made before, on or after that date.
- (3) The amendment made by item 4 applies in relation to renewal applications made in relation to registration years starting on or after 1 September 2013, whether the applications were made before, on or after that date.
- (4) The amendment made by item 5 applies in relation to late renewal applications made in relation to registration years starting on or after 1 September 2013.
- (5) The amendments made by items 6 to 9 apply in relation to registration charges payable in relation to registration years starting on or after 1 September 2013.

Schedule 2—Other amendments

Part 1—Amendments

Agricultural and Veterinary Chemicals Code Act 1994

1 Subsection 3(1) of the Schedule (subparagraph (a)(vi) of the definition of *material safety data sheet*)

Omit “*Material*”.

Industrial Chemicals (Notification and Assessment) Act 1989

2 Subsection 5(1) (definition of *Material Safety Data Sheet*)

Repeal the definition.

3 Subsection 5(1)

Insert:

Safety Data Sheet, in relation to a chemical or to a product or substance containing a chemical, means a written statement that:

- (a) identifies the chemical; and
- (b) specifies the health hazards that could be caused by the chemical; and
- (c) specifies the manner of handling the chemical, product or substance in a way that minimises hazards; and
- (d) specifies the procedures to be adopted in the event of any emergency involving the chemical, product or substance; and
- (e) contains information about the chemical and physical properties of the chemical, not being exempt matter or matter referred to in subsection 46(2); and
- (f) contains prescribed information; and
- (g) if there are in force guidelines approved by the Minister by notice in the Chemical Gazette for the purposes of this definition—is prepared in accordance with those guidelines.

4 Paragraph 21D(2)(a)

Omit “*Material*”.

5 Section 33

Omit “Material”.

6 Paragraph 60B(1)(a)

Omit “Material”.

7 Section 78 (heading)

Repeal the heading, substitute:

78 Safety Data Sheets to be available

8 Section 78

Omit “Material”.

9 Clause 12 of Part B of the Schedule

Omit “Material”.

Part 2—Transitional provisions

10 Material Safety Data Sheets—transitional provisions

- (1) A regulation that:
 - (a) was made for the purposes of paragraph (f) of the definition of *Material Safety Data Sheet* in subsection 5(1) of the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force before the commencement of this Schedule; and
 - (b) was in force immediately before that commencement;has effect after that commencement as if it had been made for the purposes of paragraph (f) of the definition of *Safety Data Sheet* in subsection 5(1) of that Act as inserted by this Schedule.
 - (2) Guidelines that:
 - (a) were approved for the purposes of the definition of *Material Safety Data Sheet* in subsection 5(1) of the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force before the commencement of this Schedule; and
 - (b) were in force immediately before that commencement;have effect, after that commencement, as if they had been approved under paragraph (g) of the definition of *Safety Data Sheet* in subsection 5(1) of that Act as inserted by this Schedule.
 - (3) A regulation that:
 - (a) prescribed a form for the purposes of clause 12 of Part B of the Schedule to the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force before the commencement of this Schedule; and
 - (b) was in force immediately before that commencement;has effect after that commencement as if a reference to the proposed Material Data Safety Sheet were a reference to the proposed Safety Data Sheet.
 - (4) A regulation that:
 - (a) was made under the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force immediately before the commencement of this Schedule; and
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(b) was in force immediately before that commencement; and
(c) contained a reference to a Material Safety Data Sheet;
has effect after that commencement as if the reference to a Material
Safety Data Sheet were a reference to a Safety Data Sheet.

*[Minister's second reading speech made in—
House of Representatives on 12 September 2012
Senate on 19 September 2012]*