

TRIPPLICATE
Administering Department:
Please include this copy with documents sent to Federal Executive Council Secretariat in connection with the making of this legislation.
ExCo Secretariat:
Please complete this copy by inserting signatures, date of making and instrument no. and send to:
Legislative Services and Publication Unit
Office of Legislative Drafting
Attorney-General's Department



Industrial Chemicals (Notification and Assessment) Amendment Regulations 2004 (No. 3)¹

Statutory Rules 2004 No. ²

246

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Industrial Chemicals (Notification and Assessment) Act 1989*.

Dated 5 AUG 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

TRISH WORTH
Parliamentary Secretary to the Minister for Health and Ageing

1 Name of Regulations

These Regulations are the *Industrial Chemicals (Notification and Assessment) Amendment Regulations 2004 (No.3)*.

2 Commencement

These Regulations commence on the commencement of Schedule 1 to the *Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Act 2004*.

3 Amendment of *Industrial Chemicals (Notification and Assessment) Regulations 1990*

Schedule 1 amends the *Industrial Chemicals (Notification and Assessment) Regulations 1990*.

Schedule 1 Amendment

(regulation 3)

[1] Regulation 11B

substitute

11B Prescribed international agreement (Act s 106)

- (1) For paragraph 106 (1) (a) of the Act, the Rotterdam Convention is a prescribed international agreement.
- (2) In this regulation and regulation 11C:

Rotterdam Convention means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998, as amended by any amendment of the Convention that has entered into force for Australia.

11C Introduction and export of certain industrial chemicals prohibited without permission (Act s 106)

- (1) This regulation applies to each of the following industrial chemicals, being chemicals that are the subject of the Rotterdam Convention:
- (a) each of the following kinds of polybrominated biphenyls:
- (i) hexabromobiphenyl;
 - (ii) octabromobiphenyl;
 - (iii) decabromobiphenyl;
- (b) tris (2,3-dibromopropyl) phosphate;
- (c) polychlorinated biphenyls;
- (d) polychlorinated terphenyls.
- (2) The export of an industrial chemical mentioned in subregulation (1) is prohibited unless the Director has given written permission for the export at or before the time of the proposed export.
- (3) The introduction of the industrial chemical mentioned in subparagraph (1) (a) (i) is prohibited unless the Director has given written permission for its introduction at or before the time of the proposed introduction.

Note for subregulation (3) Section 21 of the Act (which relates to the introduction of new industrial chemicals) may also apply to the introduction of this kind of industrial chemical.

Note for regulation 11C A person who exports or introduces an industrial chemical in contravention of this regulation is guilty of an offence — see subsection 106 (5) of the Act.

Notes

1. These Regulations amend Statutory Rules 1990 No. 231, as amended by 1990 No. 440; 1991 No. 165; 1992 Nos. 29, 245 and 282; 1993 No. 35; 1994 Nos. 21, 320, 368 and 454; 1995 Nos. 81 and 358; 1997 Nos. 181, 193, 203 and 419; 1999 No. 224; 2002 Nos. 9 and 58; 2003 Nos. 121, 150 and 192; 2004 No. 158.
2. Notified in the *Commonwealth of Australia Gazette* on / 2004.

s and 239
12 August

2004, /

*Industrial Chemicals (Notification and Assessment)
Amendment Regulations 2004 (No. /)*

3

246
3