



Industrial Chemicals (Notification and Assessment) Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 62, 2013

I, Professor Marie Bashir AC CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Industrial Chemicals (Notification and Assessment) Act 1989*.

Dated 24 April 2013

Marie Bashir
Administrator

By Her Excellency's Command

Shayne Neumann
Parliamentary Secretary for Health and Ageing

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1 Name of regulation

This regulation is the *Industrial Chemicals (Notification and Assessment) Amendment Regulation 2013 (No. 1)*.

2 Commencement

Each provision of this regulation 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 4 and Schedule 1 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 2	1 July 2013.	1 July 2013

3 Authority

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

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments commencing day after registration

Industrial Chemicals (Notification and Assessment) Regulations 1990

1 Subregulation 4J(2)

Omit “subsection 23 (5), (7) or (9)”, substitute “paragraph 21(6)(c), subsection 23(5), (7) or (9) or paragraph 23A(1)(b)”.

2 Paragraph 6AB(5A)(a)

Omit “material safety data sheet”, substitute “Safety Data Sheet”.

3 Paragraph 6B(j)

Omit “Material Safety Data Sheet”, substitute “Safety Data Sheet”.

4 Regulation 11 (heading)

Omit “Material Safety Data Sheets”, substitute “Safety Data Sheets”.

5 Regulation 11

Omit “Material Safety Data Sheet”, substitute “Safety Data Sheet”.

Schedule 2—Amendments commencing 1 July 2013

Industrial Chemicals (Notification and Assessment) Regulations 1990

1 Regulation 2

Insert:

category A country means:

- (a) a country that:
 - (i) is a party to the Rotterdam Convention; and
 - (ii) in relation to an industrial chemical mentioned in subregulation 11C(1), has provided an import response to the Rotterdam Convention Secretariat that:
 - (A) gives consent to the import of the industrial chemical; or
 - (B) gives consent to the import of the industrial chemical, subject to specified conditions; or
- (b) a country that is not a party to the Rotterdam Convention.

category B country means a country that:

- (a) is a party to the Rotterdam Convention; and
- (b) in relation to an industrial chemical mentioned in subregulation 11C(1):
 - (i) has provided an import response to the Rotterdam Convention Secretariat that gives no consent to the import of the industrial chemical; or
 - (ii) has not provided an import response to the Rotterdam Convention Secretariat.

Note 1: In February 2013, a list of parties to the Rotterdam Convention could be found at (www.pic.int/Countries/Statusofratifications/tabid/1072/language/en-US/Default.aspx).

Note 2: In February 2013, a database of import responses made by countries that are parties to the Rotterdam Convention could be found at (www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx).

import response, for an industrial chemical mentioned in subregulation 11C(1), means:

- (a) a consent to the import of the industrial chemical; or
- (b) a consent to the import of the industrial chemical, subject to specified conditions; or
- (c) a consent to the import of the industrial chemical during an interim period; or
- (d) a consent to the import of the industrial chemical during an interim period, subject to specified conditions; or
- (e) no consent to the import of the industrial chemical; or
- (f) no consent to the import of the industrial chemical during an interim period.

Note: In February 2013, a database of import responses made by countries that are parties to the Rotterdam Convention could be found at (www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx).

2 Regulation 11C (heading)

Omit “permission”, substitute “approval”.

3 Subregulations 11C(2) and (3)

Omit “permission”, substitute “approval”.

4 Paragraph 11C(4)(a)

Omit “permission”, substitute “approval”.

5 Schedule 2

Repeal the Schedule, substitute:

Schedule 2—Fees, charges and penalties

Note: See regulation 13.

Item	Fees, charges and penalties	\$
1	Fee for application under section 13B of the Act that is made after 28 days of the giving of an assessment certificate	800
2	Fee for application under subsection 14(3) of the Act for the inclusion of a chemical in the confidential section	3,600

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Item	Fees, charges and penalties	\$
3	Fee for application under subsection 17(3) of the Act to be the holder of a confidence	700
4	Fee for statement under subsection 19(4) of the Act setting out the reasons why a chemical should not be transferred to the non-confidential section	3,600
5	Fee for application under section 21B of the Act:	
	(a) for a commercial evaluation permit	4,100
	(b) for renewal of a commercial evaluation permit	2,100
6	Fee for application under section 21P, 21ZB, 22O, 25, 29, 30A, 40D, 42, 45, 50, 60, 66 or 89 of the Act that information be treated as exempt information	1,100
7	Fee for application under section 21R of the Act:	
	(a) for a low volume permit	4,100
	(b) for renewal of a low volume permit	2,100
8	Fee for application under section 22B of the Act:	
	(a) for a controlled use permit	4,100
	(b) for renewal of a controlled use permit	2,100
9	Fee for application under section 23 of the Act for an assessment certificate for a chemical:	
	(a) other than an application to which subsection 41(3) or 44(1) of the Act applies:	
	(i) for a standard application	17,400
	(ii) for a limited application	12,400
	(iii) for an application for a polymer of low concern	5,800
	(b) to which paragraph 41(3)(d) of the Act applies	10,800
	(c) to which subsection 44(1) of the Act applies:	
	(i) for a standard application	12,700
	(ii) for a limited application	9,300
	(iii) for an application for a polymer of low concern	3,600
	(d) that is accompanied by an assessment by a comparable agency:	
	(i) for a standard application	13,900
	(ii) for a limited application	9,900
	(iii) for an application for a polymer of low concern	4,700

Item	Fees, charges and penalties	\$
	concern	
	(e) that is accompanied by an assessment made under section 32 of the Act of a chemical that is similar to the chemical that is the subject of the application:	
	(i) for a standard application	10,500
	(ii) for a limited application	7,500
	(iii) for an application for a polymer of low concern	3,500
	(f) that is made at the same time as an application for a similar chemical that has the same or similar uses:	
	(i) for a standard application	4,100
	(ii) for a limited application, or an application for a polymer of low concern	2,600
10	Fee for application under section 23A of the Act for a self-assessed assessment certificate for a chemical:	
	(a) for a polymer of low concern	4,000
	(b) for a non-hazardous chemical that is a synthetic polymer with a number average molecular weight that is 1,000 or greater, other than a polymer of low concern	10,000
	(c) for any other non-hazardous chemical	10,800
11	Fee for application under section 24 of the Act to vary the requirements of section 23 of the Act	2,700
12	Fee for application under section 30 of the Act for an introduction permit	8,800
13	Fee for application under section 30A of the Act for an early introduction permit	2,400
14	Fee for application under section 37 of the Act for the variation of an assessment report	4,200
15	Fee for application under section 40 of the Act for the variation of a public report	4,200
16	Fee for application under section 40A of the Act for extension of an original assessment certificate	5,300
17	Fee for nomination of a foreign scheme under subsection 43(3) of the Act	7,400
18	Fee for secondary notification required under section 65 of the Act:	
6	<i>Industrial Chemicals (Notification and Assessment) Amendment Regulation 2013 (No. 1)</i>	<i>No. 62, 2013</i>

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Item	Fees, charges and penalties	\$
	(a) for a notification relating to a new industrial chemical, other than a polymer of low concern	9,900
	(b) for a notification relating to a new industrial chemical that is a polymer of low concern	4,400
19	Fee for application for registration under section 80F of the Act	133
20	Fee for application for renewal of registration under subsection 80KA(1) or 80KB(2) of the Act	133
21	Registration charge for the purposes of item 1 of the table in subsection 80T(2) of the Act	262
22	Registration charge for the purposes of item 2 of the table in subsection 80T(2) of the Act	1,724
23	Registration charge for the purposes of item 3 of the table in subsection 80T(2) of the Act, if the value of the chemicals introduced in the registration year:	
	(a) is equal to or exceeds \$1 but is less than \$100,000	0
	(b) is equal to or exceeds \$5,000,000	18,342
24	Late renewal penalty under subsection 110A(1) of the Act:	
	(a) for the purposes of item 1 of the table in subsection 80T(2) of the Act	105
	(b) for the purposes of item 2 of the table in subsection 80T(2) of the Act	185
	(c) for the purposes of item 3 of the table in subsection 80T(2) of the Act, if the value of the chemicals introduced in the registration year:	
	(i) is equal to or exceeds \$1 but is less than \$100,000	105
	(ii) is equal to or exceeds \$5,000,000	1,850
25	Fee for application under subregulation 11C(2) for approval to export an industrial chemical mentioned in subregulation 11C(1):	
	(a) to a category A country	750
	(b) to a category B country	1,700
26	Fee for application under subregulation 11C(3) for approval to introduce an industrial chemical mentioned in subparagraphs 11C(1)(a)(i), (ii) or (iii) or paragraph 11C(1)(f)	1,700

Schedule 2 Amendments commencing 1 July 2013

Note: For the definitions of *category A country* and *category B country*: see regulation 2.

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