



# **Industrial Chemicals Legislation Amendment Act 2021**

**No. 31, 2021**

**An Act to amend the law relating to industrial  
chemicals, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Industrial Chemicals Legislation Amendment Act 2021

No. 31, 2021

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## An Act to amend the law relating to industrial chemicals, and for related purposes

[Assented to 26 March 2021]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Industrial Chemicals Legislation Amendment Act 2021*.

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## 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.

<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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	26 March 2021
2. Schedule 1	The day after this Act receives the Royal Assent.	27 March 2021
3. Schedule 2	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of the <i>Industrial Chemicals Environmental Management (Register) Act 2021</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	27 March 2021 (paragraph (b) applies)
4. Schedule 3	The later of: (a) immediately after the commencement of the <i>Industrial Chemicals Environmental Management (Register) Act 2021</i> ; and (b) immediately after the commencement of the <i>Federal Circuit and Family Court of Australia Act 2021</i> .  However, the provisions do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur.	1 September 2021 (paragraph (b) applies)
Note:	This table relates only to the provisions of this Act as originally enacted.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.	

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- (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 Schedules**

Legislation 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 delegation by Executive Director**

### ***Industrial Chemicals Act 2019***

#### **1 Paragraphs 177(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) an SES employee, or acting SES employee, in the Department; or
- (b) an APS employee who holds, or is acting in, an Executive Level 1 or 2, or equivalent, position in the Department; or
- (c) an official of another non-corporate Commonwealth entity who:
  - (i) is an SES employee, or acting SES employee, in the entity; or
  - (ii) holds, or is acting in, an Executive Level 1 or 2, or equivalent, position in the entity.



## **Schedule 2—Amendments relating to scheduling charge etc.**

### ***Industrial Chemicals Act 2019***

#### **1 Section 9**

Insert:

*scheduling charge* has the same meaning as in the *Industrial Chemicals Environmental Management (Register) Act 2021*.

#### **2 Subsection 16(2)**

Repeal the subsection, substitute:

- (2) An application for registration for a registration year must be accompanied by the following amounts (if any) that the person will be liable to pay if the person is registered for the registration year:
- (a) the amount of registration charge;
  - (b) the amount of scheduling charge.

Note 1: For the amount of registration charge, see section 21.

Note 2: For the amount of scheduling charge, see the *Industrial Chemicals Environmental Management (Register) Charge (Customs) Act 2021*, the *Industrial Chemicals Environmental Management (Register) Charge (Excise) Act 2021* and the *Industrial Chemicals Environmental Management (Register) Charge (General) Act 2021*.

#### **3 Subsection 17(1)**

Omit “sections 16 and 167”, substitute “paragraph 16(2)(a), subsection 16(3) and section 167”.

#### **4 Paragraph 156(a)**

After “equal to amounts”, insert “(other than amounts of scheduling charge)”.

## **5 Application provision**

Subsections 16(2) and 17(1) of the *Industrial Chemicals Act 2019*, as amended by this Schedule, apply in relation to an application made on or after the commencement of this item if the application relates to the registration year beginning on 1 September 2021 or 1 September of a later year.

## **Schedule 3—Contingent amendments**

### ***Industrial Chemicals Environmental Management (Register) Act 2021***

#### **1 Section 7 (definition of *Federal Circuit Court*)**

Repeal the definition.

#### **2 Subparagraph 65(2)(b)(ii)**

Repeal the subparagraph, substitute:

- (ii) the Federal Circuit and Family Court of Australia (Division 2);

#### **3 Subparagraphs 70(1)(b)(ii) and (2)(b)(ii)**

Repeal the subparagraphs, substitute:

- (ii) the Federal Circuit and Family Court of Australia (Division 2); or

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*[Minister's second reading speech made in—  
House of Representatives on 3 December 2020  
Senate on 18 March 2021]*

(162/20)

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