

Industrial Chemicals Legislation Amendment Act 2021

No. 31, 2021

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

Contents

1 Short title 1

2 Commencement 2

3 Schedules 3

Schedule 1—Amendments relating to delegation by Executive Director 4

Industrial Chemicals Act 2019 4

Schedule 2—Amendments relating to scheduling charge etc. 5

Industrial Chemicals Act 2019 5

Schedule 3—Contingent amendments 7

Industrial Chemicals Environmental Management (Register) Act 2021 7



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*.

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 |
| Provisions | 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. | 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 *Industrial Chemicals Environmental Management (Register) Act 2021*.  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 *Industrial Chemicals Environmental Management (Register) Act 2021*; and  (b) immediately after the commencement of the *Federal Circuit and Family Court of Australia Act 2021*.  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Note: This table relates only to the provisions of this Act as originally enacted.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.

(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

[*Minister’s second reading speech made in—*

*House of Representatives on 3 December 2020*

*Senate on 18 March 2021*]

(162/20)