



Industrial Chemicals (Fees and Charges) Legislation Amendment (2021 Measures No. 1) Rules 2021

I, Mark Coulton, Minister for Regional Health, Regional Communications and Local Government, make the following rules.

Dated 23 June 2021

Mark Coulton
Minister for Regional Health, Regional Communications and Local Government

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1 Name

This instrument is the *Industrial Chemicals (Fees and Charges) Legislation Amendment (2021 Measures No. 1) Rules 2021*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	1 July 2021.	1 July 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Industrial Chemicals Act 2019*;
- (b) the *Industrial Chemicals (Consequential Amendments and Transitional Provisions) Act 2019*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Industrial Chemicals (Fees and Charges) Rules 2020

1 Section 4

Insert:

category C country means a country that is not a party to the Rotterdam Convention.

2 Section 5

Repeal the section, substitute:

5 Application fees

General

- (1) For the purposes of paragraph 167(1)(f) of the Act, the following table sets out the amount of the fee that is to accompany an application of a kind mentioned in an item in the table.

Application fees		
Item	Kind of application	Amount (\$)
1	An application under section 16 of the Act for registration	75
2	An application under section 31 of the Act for an assessment certificate for the introduction of an industrial chemical	the amount worked out under subsection (2), (3) or (4) (whichever is applicable)
3	An application under subsection 40(1) of the Act for a person to be covered by a certificate	1,490
4	An application under subsection 40(4) of the Act to be removed as a person covered by a certificate	805
5	An application under subsection 41(1) of the Act to be added as a holder of a certificate	1,490
6	An application under subsection 41(4) of the Act to be removed as a holder of a certificate	805
7	An application under section 43 of the Act to vary a term of an assessment certificate	4,735
8	An application under section 53 of the Act for a commercial evaluation authorisation	6,490
9	An application under subsection 60(1) of the Act to be added as a holder of a commercial evaluation authorisation	1,490
10	An application under subsection 60(4) of the Act to be removed as a holder of a commercial evaluation authorisation	805
11	An application under section 62 of the Act to vary a term of a commercial evaluation authorisation	2,525
12	An application under subsection 83(1) of the Act for an	1,490

Application fees		
Item	Kind of application	Amount (\$)
	industrial chemical to be listed on the Inventory	
13	An application under subparagraph 87(1)(c)(ii) of the Act to vary a term of the Inventory listing for an industrial chemical	1,490
14	An application under section 88 of the Act to vary a term of the Inventory listing for an industrial chemical	4,735
15	An application under subsection 105(1) of the Act for the proper name for an industrial chemical to be treated as confidential business information	1,730
16	An application under subsection 105(2) of the Act for an end use for an industrial chemical to be treated as confidential business information	605
17	An application under section 111 of the Act for the proper name or end use for an industrial chemical to continue to be treated as confidential business information	4,565
18	An application under section 113 of the Act for information to be treated as confidential business information	1,150
19	An application under section 74 of the General Rules for approval to introduce an industrial chemical	4,780
20	An application under section 74 of the General Rules for approval to export an industrial chemical	(a) if the export is to a category A country for the industrial chemical— 2,395; or (b) if the export is to a category B country for the industrial chemical— 4,780; or (c) if the export is to a category C country— 2,395
21	An application under subitem 36(2) of Schedule 2 to the <i>Industrial Chemicals (Consequential Amendments and Transitional Provisions) Act 2019</i> to be taken to be a confidence holder for a confidential Inventory listing for an industrial chemical	4,100

Applications under section 31 of the Act

- (2) For the purposes of item 2 of the table in subsection (1) and subject to subsection (6), the amount of the fee that is to accompany an application under section 31 of the Act for an assessment certificate for the introduction of an industrial chemical is as follows:
- (a) subject to subsections (3) and (4), the amount worked out using the table at the end of this subsection;
 - (b) if the application includes a comparable hazard assessment of the industrial chemical and the application is not covered by subsection (3) or (4)—
\$17,515.

Schedule 1 Amendments
Part 1 Main amendments

Applications under section 31 of the Act—general			
Item	If the indicative human health risk for the introduction of the industrial chemical ...	and the indicative environment risk for the introduction of the industrial chemical ...	then the amount (\$) of the fee is ...
1	(a) is very low; or (b) is low	(a) is very low; or (b) is low	7,435
2	(a) is very low; or (b) is low	(a) is medium to high risk; or (b) has not been determined at the time the application is made	23,375
3	(a) is medium to high risk; or (b) has not been determined at the time the application is made	(a) is very low; or (b) is low	23,375
4	(a) is medium to high risk; or (b) has not been determined at the time the application is made	(a) is medium to high risk; or (b) has not been determined at the time the application is made	34,965

Note: For how to determine the indicative human health risk and the indicative environment risk, see Chapter 2 of the General Rules.

(3) If:

- (a) an application (the **first application**) is made by a person under section 31 of the Act for an assessment certificate for the introduction of an industrial chemical; and
- (b) at the same time as the first application is made, the person makes one or more other applications (a **related application**) under that section for an assessment certificate for the introduction of another industrial chemical; and
- (c) the industrial chemicals to which the first application and each related application relate are similar and have the same end use;

then:

- (d) the amount of the fee that is to accompany the first application is an amount worked out using the table in subsection (2); and
- (e) the amount of the fee that is to accompany each related application is \$7,015.

(4) If:

- (a) an application (the **first application**) is made by a person under section 31 of the Act for an assessment certificate for the introduction of an industrial chemical; and
- (b) at the same time as the first application is made, the person makes one or more other applications (a **related application**) under that section for an assessment certificate for the introduction of another industrial chemical; and

- (c) the industrial chemicals to which the first application and each related application relate are intended to be part of the same multi-component introductions;

then:

- (d) the amount of the fee that is to accompany the first application is an amount worked out using the table in subsection (2); and
- (e) the amount of the fee that is to accompany each related application is \$2,650.

Multi-component introductions

- (5) For the purposes of paragraph (4)(c), 2 or more industrial chemicals (***component chemicals***) may be part of multi-component introductions if:
 - (a) each component chemical can be uniquely identified; and
 - (b) the component chemicals are manufactured (whether in Australia or otherwise) together; and
 - (c) the component chemicals are to be introduced into, and used in, Australia together (and not separated during introduction or use); and
 - (d) there is no single CAS name that covers all the component chemicals and only the component chemicals.

Lower fee applies if more than one fee is specified for an application

- (6) If paragraphs (2)(a) and (b) both apply in relation to an application, the amount of the fee that is to accompany the application is the lower of the applicable amounts.

3 Section 6

Repeal the section, substitute:

6 Refund of overpayments of registration charge

For the purposes of paragraph 22(b) of the Act, the Executive Director may, on behalf of the Commonwealth, refund an overpayment of registration charge by a person in relation to a registration year:

- (a) on the Executive Director's own initiative, at any time within 3 years after the end of the registration year; or
- (b) if, within 3 years after the end of the registration year, the person applies to the Executive Director, in writing, for the refund.

Part 2—Transitional provisions

Industrial Chemicals (Consequential Amendments and Transitional Provisions) Rules 2019

4 After Part 14

Insert:

Part 15—Miscellaneous

84 Refund of overpayments of registration charge paid under old Act

- (1) This section applies if:
 - (a) a person has paid an amount as or on account of registration charge in relation to a registration year, imposed as referred to in section 80S of the *Industrial Chemicals (Notification and Assessment) Act 1989*, as in force immediately before 1 July 2020; and
 - (b) the amount paid was greater than the amount (if any) the person was liable to pay under that section in relation to the registration year.
- (2) The Executive Director may, on behalf of the Commonwealth, refund the overpayment of registration charge by the person in relation to the registration year:
 - (a) on the Executive Director's own initiative, at any time within 3 years after the end of the registration year; or
 - (b) if, within 3 years after the end of the registration year, the person applies to the Executive Director, in writing, for the refund.