

End Cruel Cosmetics Bill 2019

No. , 2019

(Senator Mad_Bear_O_Melbourne)

A Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes

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A Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *End Cruel Cosmetics Act 2019*.

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
Provision(s)	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.	
2. Schedule 1	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Main amendments

Industrial Chemicals (Notification and Assessment) Act 1989

1 At the end of Part 3B

Add:

Division 2—Cosmetics tested on animals

81B Cosmetics tested on animals

Testing cosmetics and ingredients

- (1) A person commits an offence if:
- (a) the person tests a substance on a live animal in Australia; and
 - (b) the person does so for the purpose of any person:
 - (i) developing, manufacturing, selling or importing a cosmetic; or
 - (ii) developing, manufacturing, selling or importing a substance for use as an ingredient in cosmetics.

Penalty: 120 penalty units.

Manufacturing, advertising, selling or importing cosmetics

- (2) A person commits an offence if:
- (a) the person:
 - (i) manufactures, advertises or sells a cosmetic in Australia; or
 - (ii) imports a cosmetic into Australia; and
 - (b) any person tested a substance on a live animal for the purpose of any person developing, manufacturing, selling or importing:
 - (i) the cosmetic; or
 - (ii) a substance for use as an ingredient in cosmetics; and
 - (c) in a case to which subparagraph (b)(ii) applies—the ingredient is an ingredient in the cosmetic mentioned in paragraph (a).

Penalty: 120 penalty units.

Manufacturing, advertising, selling or importing ingredients in cosmetics

- (3) A person commits an offence if:
- (a) the person:
 - (i) manufactures, advertises or sells a substance in Australia; or
 - (ii) imports a substance into Australia;
- for use as an ingredient in cosmetics; and

- (b) any person tested a substance on a live animal for the purpose of any person developing, manufacturing, selling or importing the substance mentioned in paragraph (a) for use as an ingredient in cosmetics.

Penalty: 120 penalty units.

81C Additional operation of Division

Without prejudice to its effect apart from this section (including its effect because of section 4), this Division also has, because of this section, the effect it would have if the references to developing, manufacturing, selling or advertising were, by express provision, confined to:

- (a) developing, manufacturing, selling or advertising:
 - (i) by federally regulated entities; or
 - (ii) in constitutional trade or commerce, or for supply in the course of constitutional trade or commerce; or
 - (iii) for supply to, or to an authority or instrumentality of, the Commonwealth or a Territory; and
- (b) developing, manufacturing, selling or advertising in a Territory.

81D International obligations

This Division has effect, in relation to importing a substance into Australia, subject to Australia's international obligations.

81E Ingredients, preparations and components

- (1) This Division does not apply to an ingredient in cosmetics if the ingredient is:
 - (a) a therapeutic good within the meaning of the *Therapeutic Goods Act 1989*; or
 - (b) a substance or preparation prescribed by regulations made for the purposes of paragraph (d) of the definition of *cosmetic* in subsection 5(1) of this Act.
- (2) This Division applies:
 - (a) in relation to a preparation or mixture of substances in the same way as it applies in relation to a substance; and
 - (b) in relation to a component in the same way as it applies in relation to an ingredient.

Part 2—Other amendments

Industrial Chemicals (Notification and Assessment) Act 1989

2 Title

Omit “to establish a national system of notification and assessment of industrial chemicals, to provide for registration of certain persons proposing to introduce industrial chemicals, to provide for national standards for cosmetics imported into, or manufactured in, Australia, and for related purposes”, substitute “about industrial chemicals and cosmetics”.

3 At the end of section 3

Add:

; and (c) the banning of the testing of cosmetics, and ingredients in cosmetics, on animals.

4 Subparagraph 4(a)(iii)

Omit “trade and commerce with other countries, among the States, within a Territory, between a State and Territory or between 2 Territories”, substitute “constitutional trade and commerce”.

5 Subsection 5(1)

Insert:

constitutional trade and commerce means trade and commerce:

- (a) with other countries; or
- (b) among the States; or
- (c) between a State and a Territory; or
- (d) between 2 Territories.

federally regulated entity has the meaning given by the *Australian Charities and Notforprofits Commission Act 2013*.

6 Paragraphs 21M(1)(c) and (2)(c)

Omit “trade and commerce with other countries, among the States, within a Territory, between a State and Territory or between 2 Territories”, substitute “constitutional trade and commerce”.

7 Part 3B (heading)

Repeal the heading, substitute:

Part 3B—Cosmetics

Division 1—Standards for cosmetics imported into, or manufactured in, Australia

Part 3—Application of amendments

8 Application of amendments

The amendments made by this Schedule apply in relation to testing that occurs on or after the commencement of this item.