

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Supplementary Budget Estimates 2015 - 2016, 21 October 2015

Ref No: SQ15-000706

OUTCOME: 7 – Health Infrastructure, Regulation, Safety and Quality

Topic: Reforms on Animal-tested Cosmetics

Type of Question: Written Question on Notice

Senator: Rhiannon, Lee

Question:

Can you update me on where the NICNAS reforms are up to with regard to cosmetics, and in particular with regard to animal-tested cosmetics or cosmetics ingredients:

There had been talk of moving the administration of the *Cosmetic Standard 2007* over to the ACCC – which is recommended by the 2008 Productivity Commission Research Report (Chemicals and Plastics Regulation) and the 2013 Draft Regulatory Impact Statement (Options for reforming the National Industrial Chemicals Notification and Assessment Scheme Regulation Impact Statement)

- a) Where is that process up to?
- b) What is the timeline for milestones and outcomes to be reached?
- c) What is the current discussion around cosmetics?
- d) Where do non-animal-tested cosmetics sit within these discussions – is facilitating the reduction in importing and use of animal-tested cosmetics being discussed or considered?

Answer:

- a) As part of the reforms to the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) announced in the 2015-16 Budget, the Government decided that the Australian Competition and Consumer Commission (ACCC) would take responsibility for administration of the *Cosmetics Standard 2007* (the *Cosmetics Standard*), which relates to the regulation of certain cosmetic products, with NICNAS continuing to regulate the introduction of industrial chemicals for use as ingredients in cosmetic products. The Department of Health is currently consulting with the Treasury portfolio on this matter.
- b) An Implementation Plan describing the way in which the reforms are being implemented, including a timetable outlining opportunities for input by all interested stakeholders, was launched on 16 September 2015 by the (then) Assistant Minister for Health, Senator the Hon Fiona Nash and is available on the NICNAS website. A summary of the timeline and milestones is provided below:

<i>Key Dates</i>	<i>Milestones</i>
October 2015 – June 2016	<ul style="list-style-type: none"> Progressive release of four consultation papers and associated stakeholder workshops
Spring sittings 2016 (from August 2016)	<ul style="list-style-type: none"> Subject to agreement by Government, introduction of Bill into Parliament Subject to agreement by Parliament, passage of Bill in Spring/Autumn sittings
February – July 2017	<ul style="list-style-type: none"> Public consultation on draft Regulations Making of Regulations
August – December 2017	<ul style="list-style-type: none"> Development of, and consultation on, all supporting materials (e.g. Guidelines, notification and assessment application forms, standard operating procedures etc)
January 2018	<ul style="list-style-type: none"> Public release of supporting materials
January – May 2018	<ul style="list-style-type: none"> NICNAS staff training and workshops/training for regulated entities
July 2018	<ul style="list-style-type: none"> Full implementation (noting that reforms will be progressively implemented from 2016). Discussion Papers will identify reforms that may be commenced earlier, and seek stakeholder input.

- c) On 30 October 2015, the first of the series of Consultation Papers outlining the proposed approach to implementing the reforms was released, which describes, among other aspects of the reforms, a simplified system for categorising new chemicals into three classes. In developing the proposed system of categorisation, consideration has been given to the unique exposure scenarios relating to both leave-on (higher potential risk) and rinse-off (lower potential risk) cosmetic products. In November 2015, stakeholder workshops to discuss Consultation Paper 1 were held in Sydney and Melbourne.
- d) The Cosmetics Standard outlines certain requirements for six cosmetic product categories. These requirements relate to performance standards, and representations made about the products. Toxicological (animal) testing is not required to demonstrate compliance with the Cosmetics Standard.

Under the reforms to NICNAS agreed by Government, there will be a reduction in the number of lower risk chemicals that require pre-market assessment by NICNAS and an increase in NICNAS's ability to utilise risk assessment materials from trusted overseas authorities. This is anticipated to result in less than one per cent of new chemicals (including cosmetics ingredients) needing to be formally assessed by NICNAS prior to entering the market, significantly reducing the need for any animal testing solely for compliance with Australian regulatory arrangements. The second consultation paper on the implementation of the reforms, to be released in January 2016, is anticipated to cover the proposed data requirements for new chemicals.