



Australian Government

EXPOSURE DRAFT

Industrial Chemicals Environmental Management (Register) Bill 2020

Explanatory Note

Advisory Committee on the Environmental Management of Industrial Chemicals

Part 3 of the Industrial Chemicals Environmental Management (Register) Bill 2020 (the ICEMR Bill) establishes the Advisory Committee on the Environmental Management of Industrial Chemicals (the Advisory Committee) and makes provision for its functions, membership and procedures.

Functions of the Advisory Committee (clause 26)

The Advisory Committee's primary function is to provide independent advice to the Commonwealth Environment Minister (the Minister) about matters that relate to the making, varying or revoking of:

- (a) a scheduling decision for a relevant industrial chemical¹
- (b) the Industrial Chemicals Environmental Management (Register) Instrument (the ICEM Register)²
- (c) the Industrial Chemicals Environmental Management (Register) Principles (the ICEMR Principles)³.

The Minister must have regard to any relevant advice provided by the Advisory Committee when making, varying or revoking a scheduling decision.

Membership of the Advisory Committee (clause 27 – clause 37)

The Advisory Committee will consist of a Chair and at least 3, and not more than 8, other members.

Members of the Advisory Committee are appointed by the Minister on a part-time basis. Members can be appointed for periods of up to 5 years at a time, and can be reappointed at the expiry of their term. Limiting appointments to periods of up to 5 years ensures that the membership of the Advisory Committee is renewed and its expertise updated as appropriate.

Members of the Advisory Committee are appointed on the basis of their experience in fields including industrial chemistry, ecotoxicology, environmental risk management, environmental

¹ For further information regarding scheduling decisions, see the Explanatory Note for Scheduling Decisions.

² For further information regarding the Register, see the Explanatory Note for the Industrial Chemicals Environmental Management (Register) Instrument.

³ For further information regarding the Principles, see the Explanatory Note for the Industrial Chemicals Environmental Management (Register) Principles.

health, human toxicology, applied socio-economic analysis, ecology, chemical regulation, environmental regulation and any other appropriate field of expertise.

In circumstances where there is a vacancy in the position of the Chair or in the office of an Advisory Committee member, the Minister is able to appoint an Advisory Committee member to act as Chair and appoint a person to act as an Advisory Committee member, provided the person satisfies the criteria to be eligible to be a member of the Advisory Committee.

All Advisory Committee members will be required to disclose any interests that could conflict with their functions, and ensure that they do not take part in any deliberations of a matter giving rise to a potential conflict (clause 32 – clause 33). This includes unpaid activities in which the member may be engaged. Advisory Committee members are also precluded from engaging in paid work that may conflict with the proper performance of their duties (clause 34).

The Minister may terminate the appointment of an Advisory Committee member for reasons such as misbehaviour, engaging in paid work that conflicts with their duties, or not disclosing a conflict of interest.

Advisory Committee members will be paid at a rate determined by the Remuneration Tribunal, established under the *Remuneration Tribunal Act 1973*. Where no determination has been made by the Tribunal, members will be paid at the remuneration that is specified in the rules.

A member of the Advisory Committee may resign their appointment by giving the Minister a written resignation, which can take effect from either the day it is received, or if a later date is specified in the notice, from that date.

Procedures of the Advisory Committee (clause 38)

The Advisory Committee may determine its own procedures, subject to any written directions that the Minister gives to the Committee. The procedures could cover, for example, the manner in which meetings of the Advisory Committee are to be held.

Publishing recommendations of the Advisory Committee (clause 60)

If considered appropriate, the Minister may publish a recommendation made by the Advisory Committee in relation to the making, variation or revocation of a scheduling decision, the ICEM Register or the ICEMR Principles. For example, after a scheduling decision for an industrial chemical has been recorded in the ICEM Register, the Minister may decide to publish the recommendation of the Advisory Committee relating to that decision.