

Testing cosmetics on animals: is it banned in Australia?

This fact sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or your solicitor.

Are animals used to test cosmetics in Australia?

In general, cosmetics are currently not tested on animals in Australia. The only exception is if a new chemical ingredient is proposed to be used in a cosmetic product. In that case it is likely to be required to be tested on animals.¹

However, even though animal testing for cosmetics does not generally take place in Australia, many cosmetic brands imported into Australia do test on animals. These brands include Maybelline, MAC, L'Oréal and Cover Girl, and are sold in stores such as Target, Kmart and Woolworths.²



Is cosmetic testing on animals illegal in Australia?

No. No law in Australia bans the use of animals for testing ingredients used in cosmetics, even where ingredients have already been extensively tested on animals in other countries.

Recent law reform initiatives

There is strong public support for a ban on using animals to test cosmetics or cosmetic ingredients.³

In recent times the major political parties in Australia have each introduced draft laws to ban cosmetic testing in Australia. The draft laws propose amendments to the Commonwealth statute *Industrial Chemicals (Notification and Assessment) Act 1989*.

The Greens: End Cruel Cosmetics Bill 2014

Australian Greens Senator Lee Rhiannon introduced the End Cruel Cosmetics Bill 2014 in March 2014. At the time this fact sheet was published, Senator Rhiannon's bill was still before the Australian Senate.⁴

Australian Labor Party: Ethical Cosmetics Bill 2016

The Ethical Cosmetics Bill 2016 was introduced into the Australian House of Representatives on 29 February 2016 by the Hon Clare O'Neil from the Australian Labor Party. This bill lapsed when the Australian Parliament was dissolved on 15 April 2016 before the 2016 federal election.

The Government: Industrial Chemicals Bill 2017

The Coalition Government's Industrial Chemicals Bill 2017⁵ was introduced into the Australian House of Representatives by the Assistant Minister for Health, the Hon Dr David Gillespie, from the

¹ National Industrial Chemicals Notification and Assessment Scheme (Cth)

<https://www.nicnas.gov.au/chemical-information/Topics-of-interest2/subjects/animal-testing-and-cosmetics>.

² <http://www.animalsaustralia.org/features/animal-testing-list.php>.

³ On 27 November 2014 the Senate passed a motion with support of all parties and most crossbenchers, urging the Government 'to aspire to eliminate unnecessary animal test methods to evaluate the safety of cosmetic products and ingredients'. Australia, Senate, *Journals*, 70, 2013–14, p. 1897.

⁴ http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s956.

⁵ http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5885.

Nationals Party. The bill was referred to the Senate's Community Affairs Legislation Committee. The majority report recommended that the bill be passed.⁶ The proposed start date for the amendments is 1 July 2018.⁷ At the time this fact sheet was published, the bill was before the Australian Senate.⁸

What is the difference between the Greens' bill and the Government's bill?

End Cruel Cosmetics Bill 2014 (Australian Greens)

The Greens' bill proposes an explicit ban on the testing of cosmetics and of cosmetic ingredients on a live animal in Australia. It would also ban related activities such as manufacturing, advertising, selling or importing cosmetics or cosmetic ingredients if the cosmetics or ingredients have been tested on a live animal after the proposed law commences. Under the Greens' bill, doing any of the above activities would be an offence, with a financial penalty if convicted.

Being a private member's bill it is unlikely that the Greens' bill will pass.

Industrial Chemicals Bill 2017 (Australian Government)

During its 2016 election campaign the Coalition announced that, if re-elected, it would implement a ban on testing cosmetics and cosmetic ingredients on animals, and on selling cosmetic products and ingredients if they have been tested on animals outside Australia.

However, the Coalition Government's proposed amendments (as set out in the Industrial Chemicals Bill 2017) do not expressly ban either animal testing on cosmetics or the sale of cosmetics tested on animals. Instead they restrict the circumstances in which scientific data from animal testing can be used when applying to make or to import chemicals solely for cosmetic purposes.

The Government's bill has been criticised for being too narrow, and for allowing animal testing to continue for new industrial chemicals with multiple end uses, even if one of those end uses is for cosmetics.⁹

Animal testing for cosmetics is only a very small part of the Government's bill. The main focus of the bill is on industrial chemicals in the workforce and consumer health issues.

The bill is supported by the Australian Labor Party and therefore likely to pass. If it does:

...while the Industrial Chemicals Bill does not ban the testing of cosmetics, or cosmetic ingredients, on animals or the sale of cosmetic ingredients that have been tested on animals, the practical effect of the Industrial Chemicals Bill may reduce the amount of cosmetics products being made available within Australia that have been tested on animals.¹⁰



DISCLAIMER While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information in this fact sheet.

⁶ 8 August 2017,

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IndustrialChemicals/Report.

⁷ See Bills Digest No. 19, 2017-18 for a history of this Bill:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1718a/18bd019.

⁸ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5885.

⁹ Bills Digest No. 19, 2017-18—see footnote 7.

¹⁰ Ibid.