

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 another lawyer.

Are animals used to test cosmetics in Australia?

In general, cosmetics are not tested on animals in Australia. Even though animal testing for cosmetics does not take place in Australia, many cosmetic brands imported into Australia do test on animals or allow their products to be tested on animals in other countries (eg China). These brands include Maybelline, MAC, L'Oréal and Cover Girl, and are sold in stores such as Target, Kmart and Woolworths.¹



Is cosmetic testing on animals illegal in Australia?

No law in Australia explicitly bans the use of animals for testing ingredients used in cosmetics. However, in Australia, ingredients used in cosmetics are regulated as chemicals. Before a new chemical can be used in Australia, an application must be made under the *Industrial Chemicals Act 2019* (Cth) (“the Act”). The Act stipulates that in some circumstances, an application for a new chemical that will be used for cosmetics must not contain ‘animal test data’.² This ‘de facto’ ban on animal testing for cosmetics only applies to chemicals used solely for cosmetics, and to data obtained from tests conducted on or after 1 July 2020.

The ‘de facto ban’ has been criticised for being too narrow, and for allowing animal testing to continue for new industrial chemicals with multiple end uses, including if one of those end uses is for cosmetics.³

The Act was passed by the Australian Parliament on 8 February 2019. Animal testing for cosmetics is only a tiny part of the Act. The main focus of the Act is on industrial chemicals in the workforce and consumer health issues.

However, while it does not explicitly ban the testing of cosmetics on animals, ‘the practical effect of the Industrial Chemicals [Act] may reduce the amount of cosmetics products being made available within Australia that have been tested on animals.’⁴

Other law reform initiatives

There is strong public support for a ban on using animals to test cosmetics or cosmetic ingredients.⁵

In recent times the major political parties in Australia each introduced draft laws to ban cosmetic testing in Australia. Even though the *Industrial Chemicals Act 2019* was passed by the Australian

¹ <http://www.animalsaustralia.org/features/animal-testing-list.php>.

² Section 168 of the *Industrial Chemicals Act 2019* (Cth).

³ Bills Digest No. 19, 2017-18—see footnote 7.

⁴ Ibid.

⁵ 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.

Parliament, it arguably provides the weakest protection for animals used for cosmetic testing compared to other proposed laws.

The Greens: End Cruel Cosmetics Bill 2014

Australian Greens Senator Lee Rhiannon introduced the End Cruel Cosmetics Bill 2014 in March 2014.⁶ It lapsed at the end of Parliament on 1 July 2019.

The Greens' Bill proposed an explicit ban on the testing of cosmetics and of cosmetic ingredients on a live animal in Australia. It would have also banned 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 commenced. Under the Greens' Bill, doing any of the above activities would have been an offence, with a financial penalty if convicted. The Greens' Bill remains the strongest proposal introduced into the Australian Parliament for a ban on using animals to test cosmetics.

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 Australian Labor Party. This bill lapsed when the Australian Parliament was dissolved before the 2016 federal election.

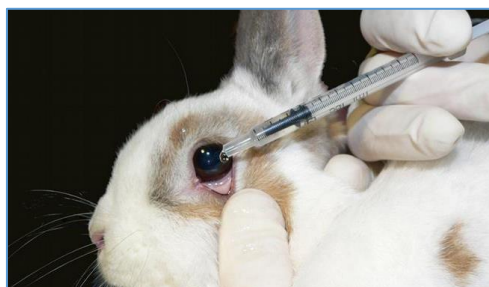
The Government: Industrial Chemicals Bill 2017

The Coalition Government's Industrial Chemicals Bill 2017⁷ was introduced into the Australian House of Representatives and was passed on 18 February 2019.

What other measures have been introduced?

Code of practice for animals used in research

In June 2021 the Australian code for the care and use of animals for scientific purposes was amended to include a new chapter on cosmetic testing (Section 7).⁸ The new chapter bans the use of animals for testing finished cosmetic products. It also partially bans testing chemical ingredients that will be used in cosmetics. The ban on testing chemical ingredients does not apply if the ingredient will also be used for something else (ie not just in cosmetics). Most States and Territories have incorporated this Code into law, which means compliance with this Code is mandatory.



Voluntary industry code

In May 2021 the cosmetics industry in Australia introduced a Voluntary Industry Code of Practice for using "not tested on animals" advertising claims.⁹ The Code is not legally binding.

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

⁷ http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5885.

⁸ *Australian code for the care and use of animals for scientific purposes*, 8th edition, 2013, updated 2021, https://www.nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes#toc_2112.

⁹ *Voluntary Industry Code of Practice to support the Australian ban on testing cosmetics on animals*, 2021, <https://accord.asn.au/sustainability/voluntary-industry-code-on-animal-test-ban/>.