



Australian Government

Department of Health, Disability and Ageing
Australian Industrial Chemicals
Introduction Scheme

ENFORCEABLE UNDERTAKING

Undertaking to [REDACTED] an Authorised Person under section 132 of the
Industrial Chemicals Act 2019,
given by

MCo Beauty Pty Limited
ABN 51631344780

1. Person giving undertaking

This Enforceable Undertaking (**Undertaking**) is given by MCo Beauty Pty Limited (ABN 51631344780) (**MCo Beauty**) of [REDACTED] under s 114 of the *Regulatory Powers (Standard Provisions) Act 2014*.

2. Interpretation

Terms defined in the *Industrial Chemicals Act 2019* (the **IC Act**) and the *Regulatory Powers (Standard Provisions) Act 2014* (the **RP Act**) have the same meaning in this Undertaking as in those Acts.

3. Background

- 3.1. The IC Act establishes the Australian Industrial Chemicals Introduction Scheme (**AICIS**), and the Executive Director of the AICIS (**Executive Director**), to regulate the introduction (manufacture or import) of industrial chemicals.
- 3.2. AICIS is administered within the Department of Health, Disability and Ageing.
- 3.3. MCo Beauty is an Australian importer and distributor of cosmetic, fragrance and personal care products. These products contain industrial chemicals (as defined under the IC Act).
- 3.4. MCo Beauty is alleged to have contravened the IC Act as set out in paragraph 5 of this Undertaking.
- 3.5. The provisions of the IC Act are enforceable under Part 6 of the RP Act. The RP Act creates a framework for accepting and enforcing undertakings relating to compliance with the IC Act.
- 3.6. The Executive Director and each AICIS Authorised Inspector, are Authorised Persons for the purposes of exercising powers under Part 6 of the RP Act.
- 3.7. MCo Beauty has offered, and the Authorised Person has agreed to accept, an undertaking on the terms and conditions set out in this document.

4. Commencement and term of enforceable undertaking

- 4.1. This Undertaking comes into effect when:
 - (a) The Undertaking is executed by MCo Beauty; and
 - (b) The Authorised Person accepts the Undertaking so executed and notifies MCo Beauty in writing of that having occurred.

- 4.2. This Undertaking will terminate on the earliest of the following:
- (a) Two years from the date on which the Undertaking commences; or
 - (b) AICIS consenting in writing to the withdrawal or termination of the Undertaking.

5. Alleged Contraventions of the IC Act

Introduced industrial chemicals that were not authorised in accordance with s 24 of the IC Act

- 5.1. Between 1 September 2023 and 20 June 2025, MCo Beauty introduced products containing the following industrial chemicals:
- (a) [REDACTED]
 - (b) [REDACTED]
 - (c) [REDACTED]
 - (d) [REDACTED]
 - (e) [REDACTED]
 - (f) [REDACTED]
- 5.2. On at least one occasion, the introduction of the chemicals in paragraph 5.1 were not authorised by any of the introduction categories prescribed (sections 25-30 of the IC Act).

6. Acknowledgement of conduct

- 6.1. MCo Beauty acknowledges that it has engaged in the conduct described above at paragraph 5 and that it will make adjustments to its AICIS categorisation, reporting and record-keeping systems.

7. Enforceable undertaking

Under section 114 of the RP Act, MCo Beauty has offered, and the Authorised Person has agreed to accept, undertakings by MCo Beauty on the following terms:

- 7.1. MCo Beauty undertakes to quarantine products containing unauthorised introductions of chemicals described in paragraph 5 where import volumes exceeded 100 kg in a registration year (as defined in section 9 of the IC Act) pending destruction or re-export and to provide to the Authorised Person within 90 days of the commencement of this Undertaking evidence of the destruction or re-export.

- 7.2. MCo Beauty undertakes to:
- (a) further develop and implement a documented system to prevent the circumstances where the import volume of the chemicals in paragraph 5.1 would exceed 100 kg in a registration year; and
 - (b) to provide to the Authorised Person within 45 days of the commencement of this Undertaking details of that documented system.
- 7.3. MCo Beauty undertakes to further develop and implement a documented system designed to ensure its compliance with section 24 of the IC Act and the relevant reporting and record-keeping obligations for each introduction category prescribed in the IC Act and to provide to the Authorised Person within 90 days of the commencement of this Undertaking details of that documented system.
- 7.4. MCo Beauty undertakes to provide to the Authorised Person within 60 days of the commencement of this Undertaking details of the primary people with responsibility for ensuring MCo Beauty's AICIS categorisation, reporting and record-keeping obligations are met and details of staff training and guidance already in place or to be developed by MCo Beauty in order to meet these obligations.
- 7.5. Following the provision of information under paragraph 7.4, MCo Beauty undertakes to advise the Authorised Person within 14 days if a new primary person has been identified and to provide the details of the new primary person.
- 7.6. MCo Beauty undertakes to invest in specialist regulatory consultants or legal professionals to support ongoing compliance with the IC Act and address any compliance issues unable to be addressed by MCo Beauty staff. MCo Beauty further undertakes to provide to the Authorised Person within 60 days of this Undertaking an overview of the work being undertaken to support MCo Beauty in meeting AICIS obligations.
- 7.7. MCo Beauty agrees to participate in meetings with the AICIS Compliance Section, as required and when given reasonable prior notice to ensure the necessary people can make themselves available, regarding the progress of the actions specified in this Undertaking to ensure MCo Beauty's compliance with the IC Act.
- 7.8. MCo Beauty undertakes to retain written evidence to demonstrate compliance with the terms of this Undertaking until the earlier of:
- (a) such time as AICIS notifies MCo Beauty in writing that the Undertaking has been completely discharged; or
 - (b) 2 years after the date the Undertaking takes effect.

- 7.9. MCo Beauty undertakes to notify the Authorised Person of any change of circumstances described in (a) and (b) below that could potentially impact on MCo Beauty's ability to undertake the actions specified in this Undertaking as soon as practicable after it becomes aware of such circumstances. The circumstances are:
- (a) if it ceases or expects to cease trading; or
 - (b) MCo Beauty going into administration or liquidation.
- 7.10. On the occurrence of any event or circumstance described in paragraph 7.9 (a) and (b) above, MCo Beauty undertakes to report to the Authorised Person, and to provide any documentation or other evidence requested by the Authorised Person to confirm the event/s that have transpired.
- 7.11. MCo Beauty undertakes to cooperate with any reasonable request by AICIS for AICIS to undertake monitoring activities to verify compliance with this Undertaking.
- 7.12. For the avoidance of doubt, nothing in this Undertaking requires MCo Beauty to disclose information that is the subject of legal professional privilege.

8. Acknowledgements

MCo Beauty acknowledges that:

- 8.1. this Undertaking has been made by MCo Beauty voluntarily.
- 8.2. it has had the opportunity to seek legal advice before executing this Undertaking.
- 8.3. this Undertaking does not affect MCo Beauty's legal duties relating to the importation, sale or use of industrial chemicals arising under the IC Act, the Australian Consumer Law, or any other applicable law.
- 8.4. the acceptance of this Undertaking does not affect AICIS's power to investigate, conduct surveillance or take enforcement action in relation to any contravention not the subject of AICIS's concerns in this enforceable undertaking or arising from future conduct.
- 8.5. the introduction of the chemicals in paragraph 5.1 that fall into the Assessed category remain unauthorised until any required assessment certificate has been issued for the chemical for the period the assessment certificate is in force (as per section 39 of the IC Act).
- 8.6. this Undertaking once executed will be published on the AICIS website.
- 8.7. AICIS may rely upon any admission made by MCo Beauty set out in this Undertaking when seeking to address any future non-compliance by MCo Beauty.

- 8.8. MCo Beauty may withdraw or vary the Undertaking at any time, but only with the written consent of the Authorised Person or another authorised person under the IC Act, in accordance with section 114(3) of the RP Act.
- 8.9. the Authorised Person, or another authorised person under the IC Act may apply to a relevant court for the terms of the Undertaking to be enforced, in accordance with section 115 of the RP Act.
- 8.10. the offences which are the subject of this Undertaking are punishable by penalties of up to:
- (a) \$825,000 for a corporation (\$165,000 for an individual) per contravention of s 24.
- 8.11. If the Authorised Person considers that MCo Beauty has breached the Undertaking this may result in AICIS:
- (a) taking enforcement action seeking the application of applicable penalties; or
 - (b) making an application to a relevant court for orders of the type outlined in section 115 of the RP Act.
- 8.12. Demonstration of compliance with this Undertaking is the sole responsibility of MCo Beauty.

9. Warranties

MCo Beauty warrants that:

- 9.1. the information provided to AICIS in negotiating this Undertaking, both orally and in writing, has not been false or misleading;
- 9.2. it has the financial capacity to fully comply with all the terms of this Undertaking;
- 9.3. it is duly incorporated and validly exists under the laws of its jurisdiction of incorporation and has full corporate power and lawful authority to provide this Undertaking;
- 9.4. it is not in liquidation;
- 9.5. no action has been taken by or against the corporation which could lead to the winding up of the corporation;
- 9.6. it is not under official management; and
- 9.7. it has not appointed an administrator, controller or managing controller.

Executed as an undertaking

Executed by MCo Beauty Pty Limited (ABN 51631344780) in accordance with section 127 of the *Corporations Act 2001*:

Signed by: [REDACTED]

(Signature of director)

[REDACTED]

(Name of director)

08-Feb-2026

(Date)

DocuSigned by: [REDACTED]

(Signature of director)

[REDACTED]

(Name of director)

06-Feb-2026

(Date)

Accepted by the Authorised Person in accordance with section 132 of the *Industrial Chemicals Act 2019* on:

Signed by: [REDACTED]

(Signature of Authorised Person)

[REDACTED]

(Name of Authorised Person)

09-Feb-2026

(Date)