

2019-2020

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**RECYCLING AND WASTE REDUCTION (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 2020**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for the Environment, the Hon. Sussan Ley MP)

RECYCLING AND WASTE REDUCTION (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2020

GENERAL OUTLINE

The Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020 (the Consequential and Transitional Provisions Bill) will make consequential amendments and provide for transitional provisions to support the commencement of the Recycling and Waste Reduction Bill 2020 (the Recycling and Waste Reduction Bill) and subordinate legislation. This will ensure that product stewardship continues to operate uninterrupted under the Recycling and Waste Reduction Bill.

The Recycling and Waste Reduction Bill will establish a national legislative framework to reduce the environmental and human health impacts of products, waste from products and waste material. The Recycling and Waste Reduction Bill will incorporate the framework of the Product Stewardship Act 2011, including provisions for voluntary, co-regulatory and mandatory product stewardship schemes. These schemes are to be established through the making of rules.

The Consequential and Transitional Provisions Bill will repeal the *Product Stewardship Act 2011* as Chapter 3 of the Recycling and Waste Reduction Bill is intended to replace it. The Consequential and Transitional Provisions Bill will also set out transitional arrangements to ensure continuity and that affected stakeholders experience minimal impacts due to the repeal of the Act and commencement of the Recycling and Waste Reduction Bill. Subordinate legislation made under the *Product Stewardship Act 2011* will cease to have effect after the repeal of that Act, unless provided for by the Consequential and Transitional Provisions Bill.

The transition from the *Product Stewardship Act 2011* to the Recycling and Waste Reduction Bill needs to be seamless. This is to ensure continuity in management of arrangements which minimise the impacts of products on environmental and human health, including the administration of the National Television and Computer Recycling Scheme and existing accredited voluntary arrangements.

FINANCIAL IMPACT STATEMENT

The Consequential and Transitional Provisions Bill will have no financial impact on the Australian Government Budget.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The Bills are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The full statement of compatibility with human rights is attached to this explanatory memorandum.

NOTES ON CLAUSES

Clause 1 Short title

Clause 1 will provide that the Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020 may be cited as the *Recycling and Waste Reduction (Consequential and Transitional Provisions) Act 2020*.

Clause 2 Commencement

The table at clause 2 will provide for the commencement of the Consequential and Transitional Provisions Bill.

Item 1 of the table will provide that clauses 1 to 3, and anything else not covered in the table, commence on the day the Consequential and Transitional Provisions Bill receives the Royal Assent.

Item 2 of the table will provide that Schedules 1, 2 and 3 commence at the same time as Chapter 3 of the *Recycling and Waste Reduction Bill 2020* (Recycling and Waste Reduction Bill). However, Schedules 1, 2 and 3 will not commence at all if Chapter 3 does not commence. This is because Schedules 1, 2 and 3 relate to the product stewardship component of the Recycling and Waste Reduction Bill.

Item 3 of the table will provide that Schedule 4 commences the later of: the commencement of Chapter 4 of the Recycling and Waste Reduction Bill, and the commencement of the *Federal Circuit and Family Court of Australia Act 2020*. However, Schedule 4 will not commence at all unless both of these events occur as this Schedule is contingent and will make amendments consequential to the commencement of the latter Bill.

Clause 3 Schedules

This clause will provide that the legislation that is specified to be amended or repealed as set out in the Schedules has effect according to the terms of the relevant Schedule.

SCHEDULE 1—REPEALS

Product Stewardship Act 2011

Item 1 The whole of the Act

Item 1 will repeal the whole of the *Product Stewardship Act 2011*.

Chapter 3 of the Recycling and Waste Reduction Bill is intended to replace the *Product Stewardship Act 2011* by establishing an updated framework for voluntary, co-regulatory and mandatory product stewardship. This will enable Australia to more effectively manage the environmental, human health and safety impacts of products and materials by providing the basis for those who design, manufacture and distribute products to take greater responsibility for their impacts on the environment. In addition, the provisions in Chapter 4 of the Recycling and Waste Reduction Bill (including compliance and enforcement, and audit-related provisions) are also intended to apply to product stewardship matters as appropriate.

SCHEDULE 2—APPLICATION, SAVING AND TRANSITIONAL PROVISIONS RELATING TO PRODUCT STEWARDSHIP

Part 1—Introduction

Item 1 Definitions

Item 1 will define key terms used in the Consequential and Transitional Provisions Bill. Two key terms are *new Act* (meaning the Recycling and Waste Reduction Bill) and *old Act* (meaning the *Product Stewardship Act 2011* as in force immediately before its repeal).

This item will also clarify that expressions used in this Schedule that are defined for the purposes of the new Act, and used in relation to that Act, will have the same meaning as in that Act.

Similarly, expressions used in this Schedule that are defined for the purposes of the old Act, and used in relation to that Act, will have the same meaning as in that Act.

Item 2 Section 7 of the *Acts Interpretation Act 1901*

Item 2 will provide that this Schedule does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies in relation to the repeals made by this Act. This will clarify that this Schedule is not intended to (for example) affect any rights, privileges, obligation or liabilities acquired, accrued or incurred under the *Product Stewardship Act 2011*, or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability.

Part 2—Accredited voluntary arrangements

Item 3 Continuation of accredited voluntary agreements

This item will provide that an accredited voluntary arrangement in relation to a product under the *Product Stewardship Act 2011* immediately before its repeal has effect as if it had been accredited under the Recycling and Waste Reduction Bill. Furthermore, this item will provide that its accreditation were subject to the same conditions to which it was subject under the *Product Stewardship Act 2011*.

It will also have the effect that any reference in the accredited voluntary arrangement to the *Product Stewardship Act 2011*, any provision of that Act, or any legislative instrument made under that Act will be treated as a reference to the Recycling and Waste Reduction Bill, a substantially corresponding provision of the Recycling and Waste Reduction Bill, or a substantially corresponding legislative instrument made under the Recycling and Waste Reduction Bill.

The intention is to provide continuity for accredited voluntary arrangements. It will ensure that accredited voluntary arrangements may continue their operations and do not have to re-apply for accreditation when the Recycling and Waste Reduction Bill commences. Existing conditions, as well as requirements such as the accreditation expiry date and annual reporting requirements, will continue to apply to accredited voluntary arrangements and their administrators.

Item 4 Applications for accreditation of voluntary arrangements made but not finally dealt with before the repeal of old Act

This item will have the effect that an application for accreditation of a voluntary arrangement that was made under the *Product Stewardship Act 2011*, but has not been finally dealt with before the repeal of that Act, has effect (and may be dealt with) under the Recycling and Waste Reduction Bill and its rules. This has the effect as if the application had been made under the Recycling and Waste Reduction Bill.

The intention of this provision is to cover applications that were made under the *Product Stewardship Act 2011*, but for which a decision has not been made whether to accredit the voluntary arrangement before that Act was repealed. Such applications will not need to be remade and would instead be processed, and a decision made whether to accredit the arrangement, under the Recycling and Waste Reduction Bill.

This will also allow the Minister to use other relevant provisions of the Recycling and Waste Reduction Bill in respect of such applications, including to request further information.

Part 3—Co-regulatory arrangements

Item 5 Notices requiring liable parties to be members of approved co-regulatory arrangements

This item will have the effect that if the Minister had given a notice to a person under subsection 18(2) of the *Product Stewardship Act 2011* (requiring a person to become a member of an approved co-regulatory arrangement before a specified day) that notice is taken to have been given under subclause 76(4) of the Recycling and Waste Reduction Bill. This will ensure that the date specified in the notice, and thereby the date the person is required to become a member of an approved co-regulatory arrangement, remains unchanged (subject to the exception explained below).

However, if the notice specified a day before clause 76 of the Recycling and Waste Reduction Bill commences, the notice has effect as if it specified the day immediately before clause 76 commences. The purpose of this is to ensure that the subclause 76(11) would not retrospectively apply to continuing contraventions occurring under the *Product Stewardship Act 2011*. Section 7 of the *Acts Interpretation Act 1901* will apply to any continuing contraventions that occur under the *Product Stewardship Act 2011* (prior to its repeal) so as to ensure that such contraventions would continue to be dealt with under the provisions of that Act, as an accrued liability.

This item will also clarify where the Minister has not, prior to the repeal of the *Product Stewardship Act 2011*, made a decision on an application to vary or revoke a notice given under subsection 18(2), the application to vary or revoke the notice has effect as if it had been made under subclauses 76(6) and 76(7) of the Recycling and Waste Reduction Bill. This is to ensure that such applications do not need to be remade and can instead be processed, and a decision made whether to vary or revoke the notice, under the Recycling and Waste Reduction Bill.

Item 6 Continuation of approved co-regulatory arrangements

This item will provide that an approved co-regulatory arrangement in relation to a product under the *Product Stewardship Act 2011* immediately before its repeal has effect as if it had been approved under the Recycling and Waste Reduction Bill at the time it was approved under the *Product Stewardship Act 2011*.

It will also have the effect that any reference in the approved co-regulatory arrangement to the *Product Stewardship Act 2011*, any provision of that Act, or any legislative instrument made under that Act will be treated as a reference to the Recycling and Waste Reduction Bill (or a substantially corresponding provision of the Recycling and Waste Reduction Bill, or a substantially corresponding legislative instrument made under the Recycling and Waste Reduction Bill).

The intention is to provide continuity for approved co-regulatory arrangements. It will ensure that approved co-regulatory arrangements may continue their operations and do not have to re-apply for approval when the Recycling and Waste Reduction Bill commences. The date for which time-based requirements (such as annual reporting and 5-yearly reviews) must be satisfied, will not change.

Item 7 Applications for approval of co-regulatory arrangements made but not finally dealt with before repeal of old Act

This item will have the effect that an application for approval of a co-regulatory arrangement that was made under the *Product Stewardship Act 2011*, but has not been finally dealt with before the repeal of that Act, has effect (and may be dealt with) under the Recycling and Waste Reduction Bill as if the application had been made under the Recycling and Waste Reduction Bill.

The intention of this provision is to cover applications that were made under the *Product Stewardship Act 2011*, but for which a decision has not been made whether to approve the co-regulatory arrangement before that Act was repealed. Such applications will not need to be remade and would instead be processed, and a decision made whether to accredit the arrangement, under the Recycling and Waste Reduction Bill.

This will also allow the Minister to use other relevant provisions of the Recycling and Waste Reduction Bill in respect of such applications, including to request further information.

Item 8 Continuation of improvement notices

This item will apply to an improvement notice given to an administrator under section 29 of the *Product Stewardship Act 2011* if, immediately before the repeal of that Act, the period specified in the notice (as affected by any variation) had not ended and the notice had not been revoked.

The improvement notice will have effect as if it had been given under clause 88 of the Recycling and Waste Reduction Bill. This will mean that the time period for the administrator to comply with an improvement notice issued under the *Product Stewardship Act 2011* will not change.

Item 9 Audits of approved co-regulatory arrangements

This item will apply if, under section 30 of the *Product Stewardship Act 2011*, the Minister had required the administrator of an approved co-regulatory arrangement to carry out an audit of the arrangement, and the audit report was not given to the Minister before the repeal of the *Product Stewardship Act 2011*.

The effect of the provision is that the requirement to carry out an audit of the arrangement will be taken to have been made under paragraph 109(1)(b) of the Recycling and Waste Reduction Bill. If the administrator had appointed an auditor before the repeal of the *Product Stewardship Act 2011*, the auditor is taken to be an approved auditor under clause 116 of the Recycling and Waste Reduction Bill to conduct audits of approved co-regulatory arrangements. The intention is to both ensure continuity of audits and to make it clear that the decision to audit the approved co-regulatory arrangement does not need to be remade.

Item 10 Consents to appointment of replacement administrators of approved co-regulatory arrangements

This item will apply if, before the repeal of the *Product Stewardship Act 2011*, the Minister consented under section 33 to the appointment of a person to replace the administrator of an approved co-regulatory arrangement and the appointment did not occur.

The effect of the provision is that the Minister's consent will be taken to be an approval of the appointment of the person under clause 91 of the Recycling and Waste Reduction Bill. This will prevent the need for the Minister to have to re-consent to the appointment of the new administrator.

Item 11 Continued effect of the *Product Stewardship (Televisions and Computers) Regulations 2011* for 2020-21 financial year

Subitem 11(1) will provide that the *Product Stewardship (Televisions and Computers) Regulations 2011* (the NTCRS Regulations), as in force immediately before the repeal of the *Product Stewardship Act 2011*, will continue to have effect in relation to the financial year ending on 30 June 2021 as if they were rules made for the purposes of Part 4 of Chapter 3 of the Recycling and Waste Reduction Bill.

The purpose of this item is to provide continuity for the National Television and Computer Recycling Scheme (the NTCRS), which is regulated by the NTCRS Regulations. As the NTCRS sets its outcomes, recycling targets and other requirements in respect of a financial year, this item would ensure minimal disruption caused due to the repeal of the *Product Stewardship Act 2011* and commencement of the Recycling and Waste Reduction Bill prior to the end of the 2020/2021 financial year.

Subitem 11(2) will provide a number of exceptions to the general rule that the NTCRS Regulations will continue to have effect in relation to the 2020/2021 financial year. These exceptions are:

- Regulations 1.05 (constitutional connection) and 2.04 (administrator to be fit and proper person) and Part 6 (transitional provisions) will not continue in effect after the repeal of the *Product Stewardship Act 2011*; and

- The civil penalties in regulations 5.01, 5.02, 5.08, 5.13 and 5.15 will not continue in effect after the repeal of the *Product Stewardship Act 2011*.

These matters will be provided for in the Recycling and Waste Reduction Bill. Removing them from the NTCRS Regulations will avoid any repetition or confusion. The note following subitem 11(2) will explain that failure to comply with regulations 5.01, 5.02, 5.08, 5.13 and 5.15 of the NTCRS Regulations could still be punishable as an offence or by civil penalty because of clauses 83 and 142 of the Recycling and Waste Reduction Bill. This is despite these regulations applying as if they did not set out civil penalties.

Subitem 11(2) will also have the effect that references in the NTCRS Regulations to particular sections of the *Product Stewardship Act 2011* will be treated as a reference to the corresponding clause in the Recycling and Waste Reduction Bill. The relevant section references and their corresponding clause in the Recycling and Waste Reduction Bill will be set out in a table. This will ensure that requirements relating to liable parties to be members of the co-regulatory arrangement, co-regulatory arrangement outcomes and conditions, and record-keeping continue to apply to the NTCRS.

Subitem 11(3) will clarify that the annual report required by regulation 5.13 of the NCTRS Regulations for the financial year ending on 30 June 2021 must be given to the Minister by 30 October 2021. This provision is intended to remove any doubt concerning when the annual report for the 2020/2021 financial year is due. The note to this subitem will explain that regulation 5.15 of the NCTRS Regulations require the audit report for that financial year to be given at the same time as the annual report, i.e. by 30 October 2021 for the 2020-21 financial year.

Subitem 11(4) will repeal the NTCRS Regulations, as they have effect under this item, at the start of 31 October 2021. This is considered appropriate as all requirements relating to the 2020/2021 financial year will have concluded by this date.

Part 4—Minister’s priority list

Item 12 Products listed under section 108A of the old Act

This item will have the effect that, for the purposes of subparagraphs 77(3)(c)(i) and 93(1)(d)(i) of the Recycling and Waste Reduction Bill, a product included in the most recent list published under section 108A of the *Product Stewardship Act 2011* before its repeal, is taken to have been included in a Minister’s priority list when that most recent list was published.

This will ensure that the 12 month timeframe for which a product must be included on in a Minister’s priority list before it can be subject of co-regulatory or mandatory product stewardship requirements is not restarted by the repeal of the *Product Stewardship Act 2011* and the commencement of the Recycling and Waste Reduction Bill.

Subitem 12(2) will clarify that the first publication of the Minister’s priority list prior to the end of the first financial year following the commencement of the Recycling and Waste Reduction Bill need not include recommendations for actions and timeframes in relation to products that were previously included in the list under section 108A of the *Product Stewardship Act 2011*.

The purpose of this provision is to allow the Minister time to consider the recommendations and timeframes for previously listed products under the updated framework of the Recycling and Waste Reduction Bill. This provision will not prevent the Minister from including recommendations for actions and timeframes for previously listed products, it will only remove the obligation to do so prior to the end of the first financial year following the commencement of the Recycling and Waste Reduction Bill.

Part 5—Compliance and enforcement

Item 13 Inspectors continue as authorised officers

This item will have the effect that an officer or employee of the Commonwealth or a Commonwealth authority who was an inspector under the *Product Stewardship Act 2011* immediately before its repeal is taken to be an authorised officer under subclause 125(1) of the Recycling and Waste Reduction Bill immediately after the repeal of the *Product Stewardship Act 2011*. It will therefore not be necessary to authorise such persons to be authorised officers under the Recycling and Waste Reduction Bill.

Item 14 Publicising offences, contraventions and decisions relation to the old Act

This item will provide that clause 122 of the Recycling and Waste Reduction Bill, which relates to publicising offences, contraventions and decisions, applies as if it permitted the Minister to publicise anything connected with the *Product Stewardship Act 2011* that section 60 of that Act permitted the Minister to publicise.

This is intended to ensure that the repeal of the *Product Stewardship Act 2011* will not prevent the Minister from publishing offences and other relevant decisions that occurred under that Act prior to its repeal. The publication of such information is considered an important deterrent to non-compliance.

Item 15 Review of reviewable decisions made under the old Act

Subitems 15(1) and (2) will have the combined effect that a reviewable decision under the *Product Stewardship Act 2011* is taken to be a reviewable decision under the Recycling and Waste Reduction Bill, and the person who would have been entitled to seek merits review of that decision under the *Product Stewardship Act 2011* will instead be able to do so under Part 6 of Chapter 4 of the Recycling and Waste Reduction Bill. This is intended to ensure that merits review rights will not be removed from a decision by the repeal of the *Product Stewardship Act 2011* and the transferring of product stewardship regulation to the Recycling and Waste Reduction Bill.

Subitem 15(3) will apply to an application for internal review of a decision that was made under the *Product Stewardship Act 2011*, but for which no decision on the internal review was made prior to the repeal of that Act. The effect of the provision is that the application for internal review will be taken to have been made under the Recycling and Waste Reduction Bill. This will ensure that internal review applications that were made prior to the repeal of the *Product Stewardship Act 2011* do not have to be remade, and can be processed, and a decision made, under the Recycling and Waste Reduction Bill.

Subitem 15(4) will apply to an internal review decision that was made by the Minister under the *Product Stewardship Act 2011*. The effect of the provision is to treat such decisions as having been made under the Recycling and Waste Reduction Bill. This will allow persons affected by such decisions to use clause 154 of the Recycling and Waste Reduction Bill and seek external merits review of the decision in the Administrative Appeals Tribunal after the *Product Stewardship Act 2011* is repealed.

Subitem 15(5) will clarify that this item would not apply to Part 6 of Chapter 4 of the Recycling and Waste Reduction Bill so as to:

- Extend the time within which an application may be made for review of a decision; or
- Provide for internal review, under clause 153 of the Recycling and Waste Reduction Bill, of a decision that has been the subject of an internal review decision made under section 95 of the *Product Stewardship Act 2011* or an application to the Administrative Appeals Tribunal; or
- Provide for an application to the Administrative Appeals Tribunal for review of a decision that has previously been the subject of such an application.

This subitem will ensure that persons affected would not be afforded any additional review rights due to operation of this item. However, this subitem is not intended to restrict any already existing rights to review.

Part 6—Administration

Item 16 Protection, use and disclosure of information obtained under the old Act

This item will provide that Part 5 of Chapter 4 of the Recycling and Waste Reduction Bill applies as if in that Part the expression ‘this Act’ included a reference to the *Product Stewardship Act 2011* and the regulations made under that Act.

The effect of the provision is that information that was disclosed or obtained under or for the purposes of the *Product Stewardship Act 2011*, or regulations made under the *Product Stewardship Act 2011*, will be protected information under the Recycling and Waste Reduction Bill.

Unauthorised use and disclosure of protected information where there is a risk that the use or disclosure might substantially prejudice the commercial interests of another person will be prohibited by the Recycling and Waste Reduction Bill and subject to a criminal offence.

Item 17 Annual report for 2020-21 financial year

This item will provide the annual report prepared by the Minister, in accordance with clause 184 of the Recycling and Waste Reduction Bill, for the financial year ending on 30 June 2021, must also report on the operation of the *Product Stewardship Act 2011* and regulations made under that Act during the financial year. This is considered appropriate because the *Product Stewardship Act 2011* will be operational for part of that 2020/2021 financial year and during that time existing product stewardship arrangements will be regulated under that Act before transferring to the Recycling and Waste Reduction Bill.

SCHEDULE 3—TRANSITIONAL RULES

Item 1 Transitional rules

This item will enable the Minister to make rules prescribing matters of a transitional nature relating to the amendments or repeals made by the Consequential and Transitional Provisions Bill; or the enactment of the Consequential and Transitional Provisions Bill or the Recycling and Waste Reduction Bill. This will include rules to prescribe any saving provisions, which allow some or all of a repealed law to remain in force under specific circumstances, or any application provisions, which set out situations or timeframes in which a law applies or does not apply. Rules made under this item would be legislative instruments for the purposes of the *Legislation Act 2003* and would be subject to Parliamentary scrutiny and disallowance through the ordinary operation of the *Legislation Act 2003*. Rules would be available on the Federal Register of Legislation.

The existing legislation governing product stewardship is multifaceted, providing for voluntary, co-regulatory and mandatory product stewardship schemes. Given the complexity of the existing legislation, there is the possibility that the transitional arrangements made at the commencement time may not cover every potential circumstance required to be covered. There may be unintentional and unforeseen consequences that may require additional transitional arrangements being put in place to avoid placing unnecessary additional costs on individuals and businesses. It is necessary to have the flexibility to deal expeditiously with matters in relation to protecting human and environmental health without the need to amend the primary legislation, and the most practical and appropriate way of ensuring this power is retained is through subordinate legislation. These rules will enable product stewardship schemes to be maintained and minimise the impact on businesses that are a member of a product stewardship scheme.

Transitional rules can address any unforeseen consequences and minimise the likelihood of any regulatory uncertainty during transition.

Rules made under this item before 1 January 2023 may modify the effect of provisions of the Consequential and Transitional Provisions Bill, the Recycling and Waste Reduction Bill, or an instrument made under the Recycling and Waste Reduction Bill, in relation to matters of a transitional nature. Those modified provisions will then have effect, but not after 30 June 2023, as if they were so modified. This will ensure that this item only operates for an appropriate period of time after the Recycling and Waste Reduction Bill comes into effect.

Subitem 1(3) will clarify that the rules may not create an offence or civil penalty, provide powers of arrest or detention or entry, search of seizure. Further, the rules may not impose a tax, set an amount to be appropriated from the Consolidated Revenue Fund or directly amend the text of the Recycling and Waste Reduction Bill or the Consequential and Transitional Provisions Bill. This is consistent with the rule-making power under clause 188 of the Recycling and Waste Reduction Bill.

Subitem 1(4) will clarify that the Consequential and Transitional Provisions Bill (other than subitem 1(3)) does not limit the rules that may be made.

SCHEDULE 4—CONTINGENT CONSEQUENTIAL AMENDMENTS

Recycling and Waste Reduction Bill 2020

Item 1 Section 10 (paragraph (b) of the definition of *relevant court*)

This item will repeal the reference to the Federal Circuit Court of Australia in the definition of *relevant court* in clause 10 of the Recycling and Waste Reduction Bill and substitute it with a reference to the Federal Circuit and Family Court of Australia (Division 2). This will ensure that the definition is correct, up to date and consistent with the *Federal Circuit and Family Court of Australia Act 2020* once it commences.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020 (the Consequential and Transitional Provisions Bill) will complement the Recycling and Waste Reduction Bill 2020 (the Recycling and Waste Reduction Bill) by setting out consequential and transitional provisions enabling the implementation of that Bill.

The Recycling and Waste Reduction Bill will establish a legislative framework to reduce the environmental and human health impacts of products, waste from products and waste material. It will regulate the export of waste materials and include a framework for product stewardship providing the basis for those who design, manufacture and distribute products to take greater responsibility for their impacts on the environment.

The Consequential and Transitional Provisions Bill will repeal the *Product Stewardship Act 2011* as Chapter 3 of the Bill is intended to replace it. The Consequential and Transitional Provisions Bill will also set out transitional arrangements to ensure continuity and that affected stakeholders experience minimal impacts due to the repeal of the *Product Stewardship Act 2011* and commencement of the Recycling and Waste Reduction Bill.

Human rights implications

The Consequential and Transitional Provisions Bill does not change the operation of the Recycling and Waste Reduction Bill in a way which affects the rights or freedoms recognised in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Therefore, the Consequential and Transitional Provisions Bill does not engage any of the applicable rights or freedoms.

Conclusion

The Consequential and Transitional Provisions Bill is compatible with human rights as it does not raise any human rights issues.

(Circulated by authority of the Minister for the Environment, the Hon. Sussan Ley MP)