# EXPLANATORY STATEMENT

**Issued by authority of the Assistant Treasurer**

*Product Grants and Benefits Administration Act 2000*

*Product Grants and Benefits Administration Regulations 2019*

The *Product Grants and Benefits Administration Act 2000* (PGBA Act) provides an administrative framework for the payment of certain Commonwealth grants and benefits administered by the Commissioner of Taxation. Currently the only grant or benefit to which the PGBA Act applies is the product stewardship (oil) benefit under the *Product Stewardship (Oil) Act 2000*.

Section 60 of the PGBA Act provides that the Governor-General may make regulations prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The purpose of the *Product Grants and Benefits Administration Regulations 2019* (the Regulations) is to remake the provisions in the *Product Grants and Benefits Administration Regulations 2000* (the prior Regulations) before they ‘sunset’ that continue to be required and have ongoing operation.

The *Legislation Act 2003* provides that all legislative instruments, other than exempt instruments progressively sunset according to the timetable in section 50 of that Act. Legislative instruments generally cease to have effect after ten years (other than some transitional arrangements) unless their operation is extended such as by remaking the instrument. The prior Regulations were scheduled to sunset on 1 October 2019.

The Regulations remake the prior Regulations concerning prescribing additional requirements for registration to be eligible for the product stewardship (oil) benefit and ensure that they apply consistent with their prior operation.

The remaking of the prior Regulations is not intended to affect the meaning or operation of the remade provisions.

Further details of the Regulations are set out in Attachment A.

The PGBA Act does not specify any conditions that need to be met before the power to make the Regulations may be exercised.

Public consultation was undertaken on an exposure draft of the Regulations and Explanatory Material during the period 30 July 2019 to 13 August 2019. No submissions were received and accordingly no changes were made in response to consultation.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on 1 October 2019.

Prior to the making of the Regulations and in accordance with the Office of Best Practice Regulation’s Guidance Note on sunsetting instruments, the Department of the Treasury self-assessed that the prior Regulations were operating effectively and efficiently, and therefore a Regulation Impact Statement was not required. This assessment was informed by the public consultation on the exposure draft Regulations.

A Statement of Compatibility with Human Rights is at Attachment B. The Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**ATTACHMENT A**

**Details of the *Product Grants and Benefits Administration Regulations 2019***

This attachment sets out further details of the Regulations. References to a ‘corresponding provision’ are to the corresponding provision in the *Product Grants and Benefits Administration Regulations 2000* (prior Regulations).

The regulations are not intended to change the operation of the provisions in the prior Regulations.

**Preliminary provisions**

Section 1 – Name of Regulations

This section provides that the title of the Regulations is the *Product Grants and Benefits Administration Regulations 2019*.

Section 2 – Commencement

This section provides that the Regulations commence on 1 October 2019.

Section 3 – Authority

This section provides that the Regulations are made under the PGBA Act.

Section 4 – Schedules

This section provides that the instrument specified in a Schedule to the Regulations is amended or repealed as set out in the relevant Schedule and the other items in the Schedule apply accordingly to their terms.

**Definitions**

The definitions section in section 5 of the Regulations replicates the corresponding provisions in the prior Regulations with the inclusion of the term authority that was previously defined in similar terms in regulation 4B(3) of the prior Regulations.

### Additional registration requirements for product stewardship (oil) benefit

The provisions in the prior Regulations that prescribe additional registration requirements for the product stewardship (oil) benefit have been replicated in the Regulations.

Accordingly, under the Regulations, applicants for registration for product stewardship (oil) benefits are required to continue to comply with relevant Commonwealth, State and Territory legislation relating to oil recycling operations. In addition, the Commissioner of Taxation must refuse an application for registration if informed, by an authority that is responsible for the administration of legislation concerning oil recycling operations that the applicant for the benefit has not complied with the relevant recycling legislation.

**Schedule 1: Repeal of the *Product Grants and Benefits Administration Regulations 2000***

Schedule 1 to the Regulations repeals the prior Regulations effective from 1 October 2019.

**ATTACHMENT B**

***Statement of Compatibility with Human Rights***

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

### *Product Grants and Benefits Administration Regulations 2019*

This legislative instrument 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 Legislative Instrument

The purpose of the *Product Grants and Benefits Administration Regulations 2019* (Regulations) is to repeal the *Product Grants and Benefits Administration Regulations 2000* (prior Regulations) that were scheduled to sunset on 1 October 2019 and remake them consistent with their prior application. The Regulations remake the prior Regulations concerning prescribing additional requirements for registration to be eligible for the product stewardship (oil) benefit and ensure that they apply consistent with their prior operation.

### Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

### Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.