

EXPOSURE DRAFT

EXPOSURE DRAFT EXPLANATORY MATERIALS

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 and repeal redundant regulations in the *Product Grants and Benefits Administration Regulations 2000* (the prior Regulations) before they ‘sunset’.

The *Legislation Act 2003* provides that all legislative instruments, other than exempt instruments, are progressively repealed – ‘sunset’. Accordingly, the prior Regulations are automatically repealed on 1 October 2019.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.

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

The Regulations commence on 1 October 2019.

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ATTACHMENT A

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

This attachment sets out further details of the *Product Grants and Benefits Administration Regulations 2019* (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 *Product Grants and Benefits Administration Act 2000*.

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.