

Product Stewardship (Televisions and Computers) Regulations 2011

The Australian Government has made Regulations to support a national, industry-led scheme for recycling televisions and computers.

On 5 November 2009, all Australian environment ministers agreed to a new national policy on waste and resource recovery. The *National Waste Policy: Less Waste, More Resources*, endorsed by the Council of Australian Governments in 2010, sets a 10-year vision which puts the nation on a path to producing less waste and managing waste as a resource to deliver economic, environmental and social benefits.

Strategy one of the National Waste Policy relates to the principle of product stewardship, where responsibility for the environmental impacts of a product throughout its life cycle (from design to production through to disposal) is shared by everyone involved in the production, supply and use of that product.

Product stewardship takes many forms, for example when people recycle packaging or when companies re-design their product to reduce hazardous substances, they are being good product stewards.

All Australian environment ministers also agreed that televisions and computers would be the first products to be regulated, using a co-regulatory approach, under product stewardship legislation proposed in Strategy one of the Policy.

Co-regulatory approaches involve a combination of government regulation and industry action,

whereby government makes regulations that set the outcomes to be met, while industry funds and implements the scheme and has flexibility in determining how those outcomes are achieved.

PRODUCT STEWARDSHIP ACT

The *Product Stewardship Act 2011* (the Act) came into effect on 8 August 2011 and fulfils a key Australian Government commitment under the National Waste Policy. The Act seeks to address the environmental, health and safety impacts of products. The implementation of the Act will help reduce hazardous substances in products and in waste, avoid and reduce waste, and increase recycling and resource recovery.

The Act provides a framework for mandatory, co-regulatory and voluntary product stewardship.

NATIONAL TELEVISION AND COMPUTER RECYCLING SCHEME

The *Product Stewardship (Televisions and Computers) Regulations 2011* (the Regulations) came into effect on 8 November 2011 and support a co-regulatory recycling scheme for televisions, computers, printers and computer products.

In line with the aims of the National Waste Policy, the objectives of the Scheme are to:

- Reduce the amount of television and computer waste (particularly hazardous waste materials) for disposal to landfill;
- Increase recovery of resources from end-of-life television and computer products in a safe, scientific and environmentally sound manner;
- Ensure national coverage; and
- Ensure fair and equitable industry participation in the Scheme.

The Regulations aim to increase the recycling of covered products to 80 per cent in 2021-22.

PRODUCTS COVERED

The Regulations apply to televisions, computers, printers and computer products. Computer products include both internal parts of computers (e.g. motherboards) and peripherals (e.g. keyboards). In order to precisely identify the products in question, Schedule 1 to the Regulations specifies 75 tariff/statistical codes of relevant products and associated descriptions. These are the codes used by importers in Customs import declarations.

WHO IS REGULATED?

Only entities described in the Regulations have obligations under the Regulations.

The Regulations define liable parties as constitutional corporations that imported or manufactured in Australia products covered by the Regulations in the previous financial year.

To limit the impact of the Regulations on small business, the Regulations set thresholds that exempt companies that import or manufacture less than 15,001 computer products or 5,001 televisions, computers or printers from participating in the Scheme.

WHAT IS REQUIRED OF A LIABLE PARTY?

The Act requires liable parties specified in the Regulations to become a member of an approved co-regulatory arrangement.

An approved co-regulatory arrangement is a set of activities or measures designed to achieve the recycling targets and other outcomes in the Regulations. All arrangements must have an administrator, which is the body corporate responsible for administering the arrangement on behalf of members, and must ensure all reasonable steps are taken to meet outcomes specified in the Regulations.

Arrangements can have one liable party member or multiple liable parties participating. Substantial civil penalties apply to a liable party that fails to become a member of an approved co-regulatory arrangement.

OUTCOMES

The Regulations specify three key outcomes to be achieved by approved co-regulatory arrangements namely: the provision of reasonable access to collection services in metropolitan, regional and remote areas, annual recycling targets and a material recovery target.

Reasonable access

The Regulations require each approved arrangement to provide reasonable access to collection services by 31 December 2013. Reasonable access is defined in the Regulations by the following set of minimum requirements:

- For each metropolitan area, the number of collection services available in each financial year must at least equal the population of that area divided by 250,000 and rounded up to the closest whole number;



- For inner regional areas, at least one service must be provided within 100km of the centre point of every town of 10,000 people or more in each financial year;
- For outer regional areas, at least one service must be provided within 150km of the centre point of every town of 4,000 people or more in each financial year; and
- For remote areas, at least one service must be provided within 200km of the centre point of every town of 2,000 people or more, once every two financial years.

These requirements are expected to provide around 98 per cent of the population with reasonable access to collection services.

Consistent with the co-regulatory nature of the Scheme and to provide flexibility to suit local circumstances, a collection service could take a number of forms, including a permanent collection site, take back events or mail back.

Recycling targets

The Regulations set annual targets for recycling, which is defined as the initial stage of processing a product for the purposes of recovery of useable materials. The Scheme recycling target starts at 30 per cent of waste arising in 2012-13 and will rise to 80 per cent of waste arising in 2021-22. The Regulations set out how waste arising and recycling targets are to be calculated.

Co-regulatory arrangements are responsible for achieving their member's share of the Scheme's targets, which is based on the amount of covered products their members imported or manufactured in the previous financial year.

Material recovery target

The Regulations include a material recovery target of 90 per cent, which will come into effect in the 2014-15 financial year.

The target requires each co-regulatory arrangement to ensure that at least 90 per cent of the weight of material they recycle in the financial year is sent for further processing into useable materials. This is consistent with the estimated average material recovery rate currently being achieved by Australian recyclers of televisions and computers.

The delayed introduction of the target is intended to provide time to standardise measurement and reporting methodologies for material recovery.

IMPLEMENTATION

The Regulations have commenced and prospective arrangement administrators are able to apply for approval of a co-regulatory arrangement. It is anticipated that one or more co-regulatory arrangements will be approved in early 2012 and will commence roll-out in 2012.

FURTHER INFORMATION

For further information on the Regulations or the Scheme, visit www.environment.gov.au/ewaste or contact ewaste@environment.gov.au



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