



New South Wales

# Product Lifecycle Responsibility Bill 2025

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows—

- (a) to establish a product stewardship framework for brand owners of certain products,
- (b) to create various offences relating to the above matters.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** sets out the objects of the proposed Act.

**Clause 4** gives effect to the dictionary in Schedule 3, which contains definitions of words and expressions used in the proposed Act.

**Clause 5** provides that the proposed Act has extraterritorial application in certain circumstances.

### Part 2 Product stewardship schemes

#### Division 1 Preliminary

**Clause 6** contains a definition of *brand owner* for the proposed Act.

**Clause 7** contains a definition of *supply* for the proposed part.

## **Division 2 Product stewardship schemes**

**Clause 8** enables regulations to establish schemes for the stewardship of the lifecycle of regulated products (a *product stewardship scheme*). The regulations may prescribe product stewardship requirements and specify targets for the stewardship of the lifecycle of a product, or part of a product, prescribed by the regulations (a *regulated product*), including the development, design, creation, production, assembly, supply, use or re-use, collection, recovery, recycling or disposal of the regulated product.

**Clause 9** enables the Minister to set product stewardship targets for regulated products by order published in the Gazette.

**Clause 10** makes it an offence for the brand owner of a regulated product to fail to comply with a product stewardship requirement or target for the product.

**Clause 11** sets out record keeping requirements for brand owners and product stewardship organisations in relation to regulated products. It is an offence for a brand owner to fail to comply with the requirements or a direction issued by the Environment Protection Authority (the *regulator*).

**Clause 12** sets out reporting requirements for brand owners in relation to regulated products. A brand owner must, before first supplying a regulated product, notify the regulator or, if there is a product stewardship scheme for the regulated product, the product stewardship organisation, of the proposed supply. It is an offence for a brand owner to fail to give a report to the regulator within 3 months of the end of the financial year.

**Clause 13** sets out reporting requirements for product stewardship organisations. It is an offence for a product stewardship organisation to fail to give an annual or quarterly report to the regulator within 3 months of the end of the financial year or quarter.

**Clause 14** enables the regulator and product stewardship organisations to publish certain information.

## **Division 3 Action plans**

**Clause 15** makes it an offence for the brand owner of a regulated product to fail, if required by the regulations, to prepare and lodge an action plan, which sets out how the brand owner intends to comply with the proposed part, including indirect environmental actions.

**Clause 16** makes it an offence for a product stewardship organisation to fail, if required by the regulations, to prepare and lodge an action plan, which sets out how the product stewardship organisation intends to comply with the proposed part, including indirect environmental actions.

**Clause 17** contains provisions about the making of actions plans.

**Clause 18** enables the regulator to approve an action plan or direct the brand owner or product stewardship organisation to amend and relodge the action plan.

**Clause 19** makes it an offence for a brand owner to supply the regulated product unless the approved action plan is in effect and the supply is in accordance with the approved action plan.

**Clause 20** sets out actions that may be taken by the regulator with notice to the brand owner of a regulated product or a product stewardship organisation. It is an offence for the brand owner of a regulated product or a product stewardship organisation to fail to comply with a direction given by the regulator.

**Clause 21** provides for the internal review of certain decisions made by the regulator.

## **Division 4 Product stewardship organisations**

**Clause 22** enables the regulator to enter into a written agreement (a *stewardship administration agreement*) with a person (a *product stewardship organisation*) in connection with the

management and administration of a product stewardship scheme for one or more regulated products.

**Clause 23** provides that a stewardship administration agreement must include provisions requiring the product stewardship organisation to enter into and give effect to arrangements with brand owners (a *product stewardship arrangement*) requiring the brand owners to pay to the product stewardship organisation fees for the cost of the management, administration and operation of the scheme.

**Clause 24** provides that the provisions of a stewardship administration agreement may be enforced by penalty provisions or in another way that the agreement may provide. A product stewardship organisation that contravenes a provision of a stewardship administration agreement that is enforceable by a penalty provision is liable to pay, as a debt due to the State, an amount determined in accordance with the agreement as the penalty for the contravention.

**Clause 25** deals with the monitoring and enforcement of compliance with product stewardship arrangements.

**Clause 26** deals with the variation and termination of stewardship administration agreements.

**Clause 27** provides that the regulator may conduct a performance audit of the activities of product stewardship organisations in relation to the performance of obligations under a stewardship administration agreement.

### **Part 3 Financial assurances**

**Part 3** enables the regulator to provide, by imposing conditions on approved action plans, financial assurances to secure or guarantee funding for or towards the carrying out of actions required to meet product stewardship requirements or targets.

### **Part 4 General offences**

**Part 4** contains the following provisions—

- (a) an offence for a person who aids, abets, counsels or procures another person to commit an offence or attempts or conspires to commit an offence,
- (b) a provision relating to evidence of the state of mind of a corporation,
- (c) offences for giving false or misleading information in a material particular.

### **Part 5 Criminal and other proceedings**

**Part 5** contains provisions relating to the time within which proceedings may be commenced, who may institute proceedings, proof of certain appointments and certificate evidence of certain matters.

### **Part 6 Appeals**

**Part 6** contains provisions relating to appeals against financial assurance conditions and the determination of appeals.

### **Part 7 Miscellaneous**

**Part 7** contains provisions relating to the following—

- (a) the service of notices,
- (b) the granting of exemptions by the regulator,
- (c) the Minister's power to delegate functions,
- (d) protection from personal liability for certain persons,
- (e) fees,

- (f) the keeping of a public register by the regulator,
- (g) consultation requirements for the making of certain regulations under the proposed Act,
- (h) the making of regulations,
- (i) the review of the proposed Act.

### **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

### **Schedule 2 Amendment of other legislation**

**Schedule 2** amends the Acts specified in the schedule.

### **Schedule 3 Dictionary**

**Schedule 3** defines certain words and expressions for the proposed Act.