



Environment Protection Authority

# Solar PV Panels Product Stewardship Scheme – Explanatory Document

August 2026



A decorative vertical band on the left side of the page, featuring a variety of traditional Aboriginal patterns. These include concentric circles, wavy lines, and geometric shapes, all rendered in a light blue-grey color against a white background.

# Acknowledgement of Country

The NSW Environment Protection Authority acknowledges the Traditional Custodians of the land on which we live and work, honours the ancestors and the Elders both past and present and extends that respect to all Aboriginal people.

We recognise Aboriginal peoples' spiritual and cultural connection and inherent right to protect the land, waters, skies and natural resources of NSW. This connection goes deep and has since the Dreaming.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Aboriginal artwork by Worimi artist Gerard Black

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# 1 Overview

This document provides a short overview of the NSW Government's proposed amendment regulation for mandatory product stewardship for solar photovoltaic (PV) panels. The formal title of this proposed amendment regulation is the Product Lifecycle Responsibility Amendment (Photovoltaic Panels) Regulation 2026.

The proposed amendment regulation is being made under the *Product Lifecycle Responsibility Act 2025* (the PLR Act) and will amend the existing Product Lifecycle Responsibility Regulation 2026 (PLR Regulation). The PLR Act passed the NSW Parliament in March 2025. The PLR Act strengthened and expanded NSW's legislative framework for product stewardship, and allows for regulations targeting any product. The first product regulated under the PLR Act was batteries.

Australia is entering a period of accelerating growth in end-of-life solar PV panels. More than 4.2 million rooftop PV systems are already installed nationwide, supported by strong government incentives and declining technology costs. As systems age, and as households increasingly upgrade to higher efficiency panels and install batteries, waste volumes of PV panels are projected to increase sharply over the next two decades.

Current disposal pathways are insufficient to safely and sustainably manage this growing waste stream. Most end-of-life PV panels continue to be landfilled, stockpiled or illegally dumped. These pathways carry significant environmental, safety and financial risks. Degrading PV panels can leach toxic metals such as lead, chromium and silver. Local councils – often already facing limited landfill space – are increasingly burdened by clean-up and waste-management costs.

At the same time, PV panels contain high value materials and critical minerals essential to Australia's energy transition, including silicon, silver, copper and aluminium. Without a national framework to support efficient resource recovery, these valuable materials are being lost to landfill, undermining supply chain resilience and limiting opportunities to develop domestic remanufacturing capability. PV panel recyclers currently face high logistics costs, inconsistent feedstock, limited end markets and economic viability challenges.

Consultation with governments, industry, recyclers, academics and local councils shows overwhelming support for a mandatory stewardship scheme to address these challenges.

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## Key concepts in the PLR Act and proposed amendment regulation

The PLR Act is the legislative framework that enables the proposed amendment regulation to be made. The PLR Act contains a range of provisions that can be used to reduce the potential harm of a product throughout its life cycle. The PLR Act itself does not set requirements or obligations. Instead, it provides a range of regulation-making powers that can be used to make a regulation that specifically addresses the product, the nature of the harm, and the policy objectives.

To establish a product stewardship scheme through the PLR Act, a regulation is needed.

The proposed amendment regulation contains three key features:

- Establishing a product stewardship scheme for regulated PV panels. Formally establishing a scheme is the foundation on which all the other requirements in the proposed amendment regulation sit. This is done in section 18 of the proposed amendment regulation.
- Defining the types of ‘regulated PV panels’ that the scheme applies to. This is critical to defining the scope of the scheme. This is done in section 19 of the proposed amendment regulation.
- Establishing the ‘product stewardship requirements’ that apply to brand owners supplying regulated PV panels into NSW. Product stewardship requirements are a key tool in the PLR Act as they set out what brand owners must do and are minimum standards of behaviour or performance. These requirements are set out in section 21 of the proposed amendment regulation.

Mandatory product stewardship for PV panels is a new area the NSW Government is stepping into. As this is the start of the process, it brings some uncertainty during scheme design. Accordingly, the approach will be reviewed to ensure that we have the right settings in place to scale up the scheme over time. This review will focus on whether the settings are keeping scheme costs low and whether the scheme is incentivising performance and the right behaviours. Targets and other incentives will be considered during the review.

## Product stewardship administration agreement

The PLR Act also contains provisions allowing the NSW Environment Protection Authority (EPA) to enter into a stewardship administration agreement with a product stewardship organisation (PSO). A PSO is an entity that manages a product stewardship scheme on behalf of brand owners. A stewardship administration agreement is a confidential legal document that underpins a PSO’s performance. It may include penalties if a PSO breaches the conditions of the agreement and will be used to encourage good performance.

## Action plans

Another tool in the PLR Act framework is the action plan. These are intended to be public-facing documents prepared by either a brand owner or a PSO (depending on whether there is a PSO) and outline how they intend to meet their regulatory requirements. The EPA as regulator must approve an action plan and can set conditions or make directions that must be complied with.

Figure 1 outlines how the regulatory model is proposed to operate. Further detail about the model is contained in the table at the end of this document. This includes:

- how the proposed amendment regulation will enable the establishment of the scheme
- how it is expected to function once the scheme is operating
- how it would function in the event there was no PSO with an agreement with the EPA.

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## Governance of product stewardship organisations

Financial sustainability is an important aspect when considering the viability of a PSO. Under section 22(4) of the PLR Act, when determining whether to enter an agreement to administer a scheme, the EPA must consider:

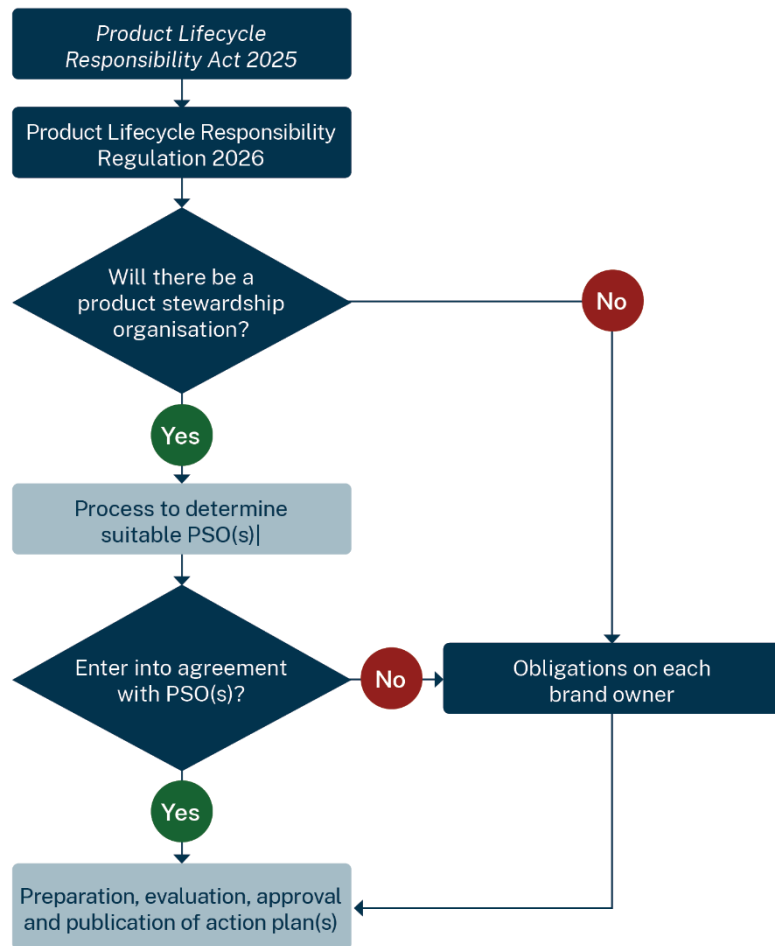
- (a) whether the applicant is a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement, and
- (b) whether the stewardship administration agreement adequately deals with —
  - (i) governance and organisational matters, including procedures for decision making and dispute resolution,
  - (ii) financial arrangements and funding to achieve the outcomes of the agreement,
  - (iii) assessing the adequacy of the environmental, health and safety policies and practices in relation to the activities undertaken under the agreement,
  - (iv) monitoring and evaluating the performance of the agreement in achieving the outcomes of the agreement,
  - (v) managing risk in relation to the operation of the agreement, and
- (c) may consider other matters the regulator considers relevant.

In the agreement and action plan the EPA will consider how the fee methodology proposed by a PSO will appropriately balance the conflict between keeping costs down and recovery outcomes.

## 2 System process overview

The PLR Regulation allows for several different options; it has been designed to be agile and scale up as required. Figure 1 provides an overview of how the scheme works.

## Scheme establishment



## Scheme operation

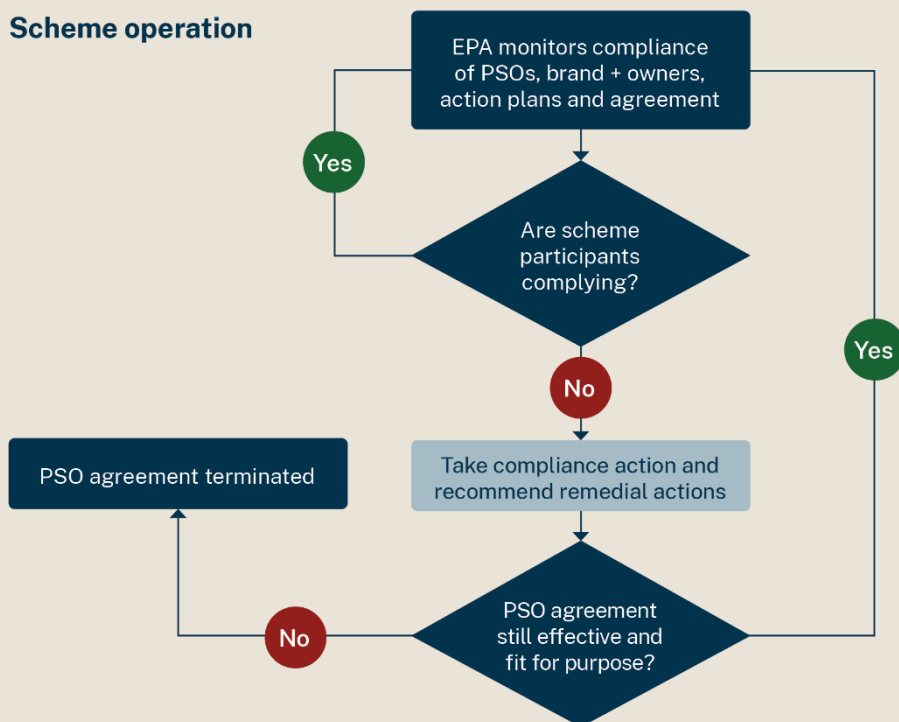


Figure 1 – System process flow chart

Figure 2 shows the current supply chain pathway for PV panels from the point of manufacture to disposal. Introducing a stewardship scheme administered by a PSO will divert more PV panels from current waste pathways towards resource recovery pathways, recovering materials that can be used for the manufacture of other products.

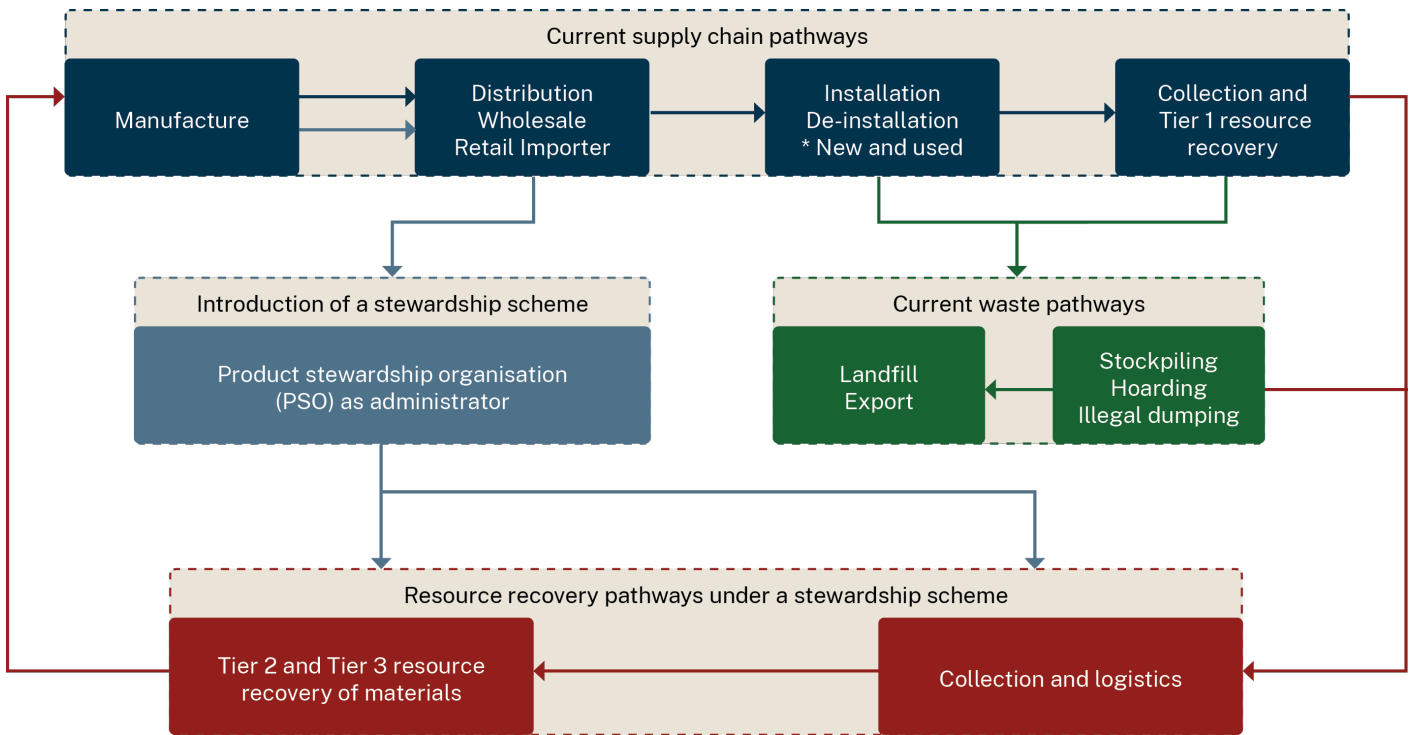
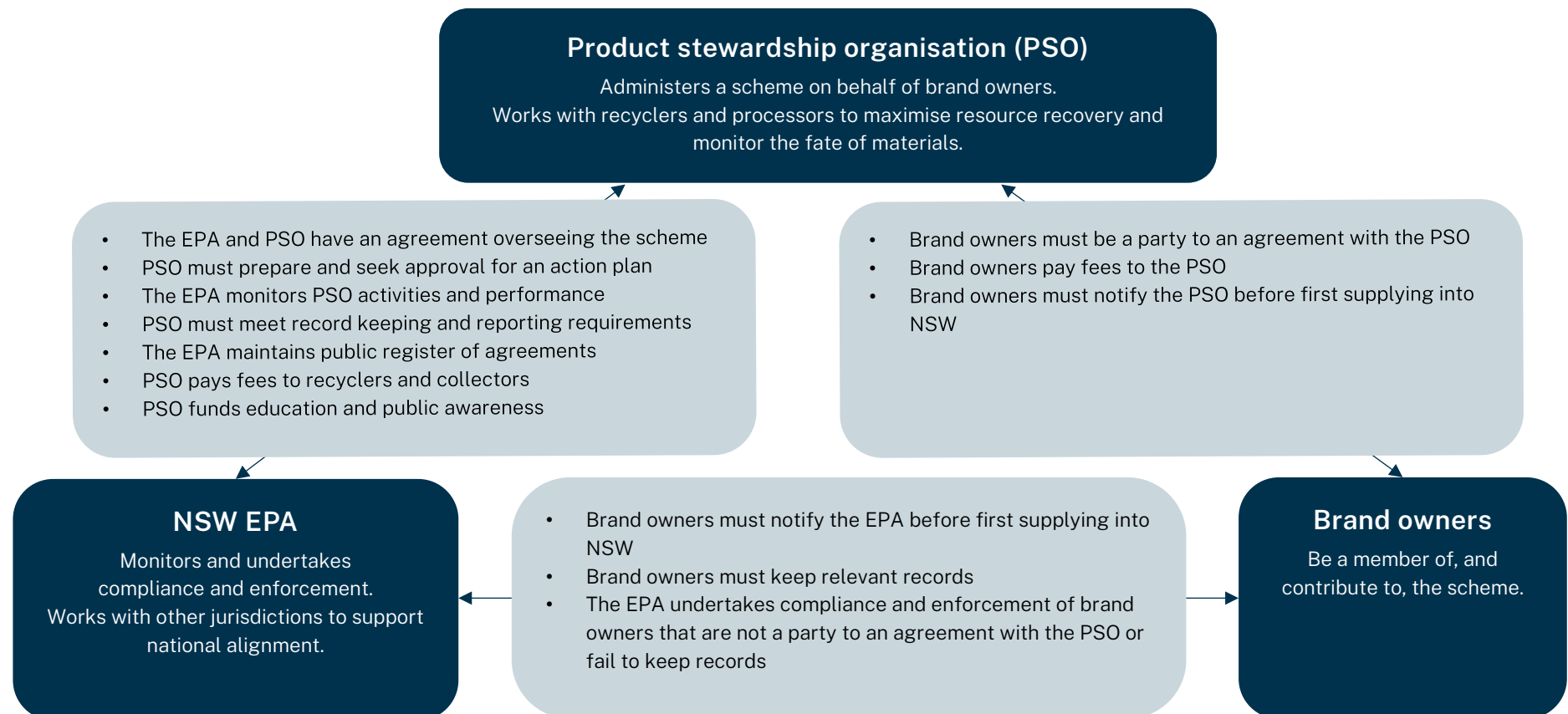


Figure 2 – Flow chart of system application

### 3 Roles and responsibilities under the proposed amendment regulation

The intent of the system is to have a product stewardship administration agreement (or agreements) with a PSO(s) to operate a product stewardship scheme(s). Under a system with a PSO(s) the roles and responsibilities are identified below.



## 4 Intended operation of the proposed amendment regulation

The following sections outline the intended operation of the regulation under different scenarios.

### Before a scheme commences

| Administration agreements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Action plans                                                                                                                                                                                                                                                                                                                                                                                 | Brand owner requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• The EPA proposes to run a competitive process to identify a suitable PSO or PSOs, before commencing negotiations on the final agreement.</li><li>• The EPA would enter into an agreement with a PSO or PSOs to administer the product stewardship scheme for PV panels. The proposed amendment regulation does not limit the number of PSO agreements that could be made.</li><li>• The EPA must consider key criteria before entering the agreement – for example, the PSO's governance and operational matters; KPIs (key performance indicators: this could include recovery rates, access and coverage); and financial arrangements (see section 22(4) of the PLR Act for the full list).</li></ul> | <ul style="list-style-type: none"><li>• Any PSO with an agreement with the EPA will need to prepare an action plan within 3 months of entering into an agreement.</li><li>• The overarching criteria of an action plan are specified in Schedule 2, section 4 of the proposed amendment regulation.</li><li>• The PSO will need to submit its action plan to the EPA for approval.</li></ul> | <ul style="list-style-type: none"><li>• Brand owners would need to join the relevant PSO by entering into a product stewardship arrangement (described in the proposed amendment regulation as being 'a party to an agreement' with a PSO).</li><li>• Joining a PSO is a 'product stewardship requirement', as per section 21(1) of the proposed amendment regulation.</li><li>• Failing to comply with a product stewardship requirement is an offence under section 10 of the PLR Act.</li></ul> |

## When a scheme is operating

| Administration agreements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Action plans                                                                                                                                                                                                                                                                                     | Brand owner requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>While the scheme is operating, the PSO(s) must comply with its stewardship administration agreements. It also becomes the 'responsible entity' for the purposes of the proposed amendment regulation.</li> <li>The EPA has broad powers to monitor, vary, audit and terminate an agreement, as per sections 25–27 of the PLR Act.</li> <li>PSOs must keep a range of records (section 24 of the proposed amendment regulation) and prepare quarterly and annual reports (including financial performance) (section 26 of the proposed amendment regulation).</li> <li>A PSO is committing an offence if it fails to comply with its record keeping or reporting requirements, as per sections 11 and 13 in the PLR Act.</li> <li>The content required in a PSO's annual and quarterly report is specified in the proposed amendment regulation in Schedule 2, sections 5 and 6 respectively.</li> </ul> | <ul style="list-style-type: none"> <li>PSOs will need to comply with their action plans (this may include targets such as access, recovery etc.) while the scheme is operating.</li> <li>The EPA has broad powers to vary or revoke an action plan, as per section 20 of the PLR Act.</li> </ul> | <ul style="list-style-type: none"> <li>Brand owners would need to notify the EPA and the relevant PSO before first supplying their product into NSW. This provides visibility of who is supplying regulated PV panels.</li> <li>Failing to notify before first supply is an offence under section 12(1) of the PLR Act.</li> <li>Brand owners would need to keep relevant records (as per section 23 of the proposed amendment regulation).</li> <li>Brand owners would need to provide an annual report to the EPA and the relevant PSO, as per section 12(2) of the PLR Act.</li> <li>A brand owner is committing an offence if they fail to comply with their record keeping or reporting requirements, as per sections 11–12 in the PLR Act.</li> </ul> |

## In the event there is no PSO

| Administration agreements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Action plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Brand owner requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>There may be situations where a product stewardship administration agreement is unable to be made or has lapsed, or the EPA chooses to terminate the agreement with a PSO. This is not the policy intent, rather it is a contingency option.</li> <li>In this case, there would no longer be a product stewardship administration agreement, and brand owners would now become the 'responsible entity' in the proposed amendment regulation.</li> <li>Brand owners would not have an agreement with the EPA.</li> </ul> | <ul style="list-style-type: none"> <li>Brand owners would each need to prepare their own action plan and submit that action plan to the EPA for approval.</li> <li>Each brand owner's action plan must address the matters in Schedule 2, section 4, i.e. the same matters as for a PSO's action plan.</li> <li>The EPA has broad powers to vary or revoke an action plan, as per section 20 of the PLR Act, including adding additional conditions.</li> <li>If a brand owner supplies a regulated PV panel not in accordance with the action plan, they would be committing an offence.</li> </ul> | <ul style="list-style-type: none"> <li>Brand owners would still need to notify the EPA before first supplying their product into NSW.</li> <li>Brand owners would need to keep relevant records (section 23 of the proposed amendment regulation) and prepare annual reports (section 25 of the proposed amendment regulation). Failure to do so would be an offence under the PLR Act (sections 11 and 12).</li> <li>Without a PSO, brand owners must now meet the product stewardship requirements outlined in Schedule 1, Part 2 of the proposed amendment regulation. Failing to comply with these product stewardship requirements would be an offence, as per section 10(1) of the PLR Act.</li> <li>The requirements in Schedule 1, Part 2 are split in two parts – Division 1 for general requirements and Division 2 for safety requirements. Failing to comply with a safety requirement attracts a higher penalty.</li> </ul> |



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