



New South Wales

Product Lifecycle Responsibility Regulation 2025

under the

Product Lifecycle Responsibility Act 2025

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Product Lifecycle Responsibility Act 2025*.

Minister for the Environment

Explanatory note

The object of this regulation is to Txt

This regulation is made under the *Product Lifecycle Responsibility Act 2025*, including Txt

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Product Lifecycle Responsibility Regulation 2025

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Product Lifecycle Responsibility Act 2025

Part 1 Preliminary

1 Name of regulation

This regulation is the *Product Lifecycle Responsibility Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

3 Definitions

In this regulation—

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, as published by the Australian Government, and in force from time to time.

consumer means the final user of a product.

e-micromobility device means an e-bike, electric scooter, self-balancing scooter or electric skateboard.

PSO means a product stewardship organisation.

regulated battery—see section 6.

regulated battery product stewardship scheme means the product stewardship scheme established by Part 2 and Schedule 1.

responsible entity, for Part 2, Division 2—see section 10.

the Act means the *Product Lifecycle Responsibility Act 2025*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Regulated products—the Act, Dictionary, definition of “regulated product”

Regulated batteries are prescribed as a regulated product.

Part 2 Product stewardship—regulated batteries

Division 1 Preliminary

5 Establishment of scheme

This part and Schedule 1 establish a product stewardship scheme for regulated batteries.

6 Regulated batteries

- (1) The following are *regulated batteries*—
 - (a) standard size batteries used to power household items, including batteries of the following sizes—
 - (i) AAA,
 - (ii) AA,
 - (iii) C,
 - (iv) D,
 - (v) 9 volt,
 - (vi) 6 volt lantern,
 - (b) button and button cell batteries,
 - (c) removable rechargeable batteries weighing 5kg or less,
 - (d) rechargeable batteries used to power e-micromobility devices,
 - (e) portable power banks weighing 5kg or less.
- (2) The following are not regulated batteries—
 - (a) lead acid batteries,
 - (b) mobile phone batteries,
 - (c) laptop or tablet computer batteries,
 - (d) back-up batteries incorporated in emergency lighting systems.
- (3) To avoid doubt, batteries not listed in subsection (1) are not regulated batteries.

7 E-micromobility devices

If it is not practicable to remove a regulated battery from an e-micromobility device, the e-micromobility device is taken to be a regulated battery.

8 Brand owner—the Act, s 6

- (1) For the Act, section 6(1)(b), a brand owner of a regulated battery includes the person who brings the regulated battery into the State for sale.
- (2) For the Act, section 6(4)(b), the owner of the product name under which a regulated battery is supplied in the State is not the brand owner of the regulated battery if—
 - (a) the owner of the product name does not supply the regulated battery in the State, and
 - (b) another person brings the regulated battery into the State for sale.

9 Product stewardship requirements—the Act, s 8

- (1) For the Act, section 8(2)(a), the following are product stewardship requirements for regulated batteries—

- (a) if the regulator is a party to a stewardship administration agreement with a PSO for a type of regulated battery—a brand owner that supplies the type of regulated battery in the State must be a party to an agreement with the PSO setting out the way—
 - (i) the matters set out in Schedule 1, Part 1 will be achieved, and
 - (ii) the matters set out in Schedule 1, Part 2 will be achieved,
 - (b) if the regulator is not a party to a stewardship administration agreement with a PSO for a type of regulated battery—a brand owner that supplies the type of regulated battery in the State must comply with—
 - (i) Schedule 1, Part 1, and
 - (ii) Schedule 1, Part 2.
- (2) The product stewardship requirement in subsections (1)(a)(ii) and (1)(b)(ii) are declared to be safety requirements.
- Note—** The *Protection of the Environment Operations Act 1997* and regulations under that Act impose obligations on persons dealing with waste, including waste subject to the product stewardship requirements set out in Schedule 1.

Division 2 Obligations of PSOs and brand owners

10 Definition

In this division—

responsible entity, for a type of regulated battery, means—

- (a) if there is a stewardship administration agreement for the type of regulated battery—a PSO that is a party to the stewardship administration agreement, or
- (b) if there is no stewardship administration agreement for the type of regulated battery—a responsible brand owner for the type of regulated battery.

11 Record keeping by brand owners—the Act, s 11(3)

- (1) A brand owner of regulated batteries must prepare and keep records that include the following information—
 - (a) how the brand owner has informed consumers about safe disposal and recycling of the brand owner’s regulated batteries,
 - (b) for each type of regulated battery supplied in the State by the brand owner in the financial year—
 - (i) the number of batteries supplied, and
 - (ii) the total weight of the batteries supplied.
- (2) This section does not apply to a brand owner that supplies less than 24kg of regulated batteries in the State in the financial year.

12 Record keeping by PSOs—the Act, s 11(3)

- (1) A PSO must prepare and keep records that include the following information—
 - (a) how the PSO has informed consumers about safe disposal and recycling of relevant regulated batteries,
 - (b) for each type of relevant regulated battery supplied in the State in the financial year—
 - (i) the number of batteries supplied by each brand owner, and
 - (ii) the total weight of the batteries supplied,
 - (c) the arrangements the PSO has for the recovery and re-use of material from relevant regulated batteries.

- (2) A PSO that has entered into an agreement with a third party for the collection of relevant regulated batteries or the recovery and re-use of material from relevant regulated batteries must prepare and keep a record of the following—
 - (a) each agreement and minimum standards specified in the agreement for the recovery and re-use of material from the batteries,
 - (b) the percentage of reusable material recovered from the batteries and re-used by the third party,
 - (c) the way recovered material is used by the third party.
- (3) A PSO that is a party to a product stewardship arrangement under the *Recycling and Waste Reduction Act 2020* of the Commonwealth must keep records for this section separately to records kept for that Act.
- (4) In this section—
relevant regulated battery, for a PSO, means a regulated battery covered by a stewardship administration agreement to which the PSO is a party.
third party means a person who is neither—
 - (a) the PSO, or
 - (b) a brand owner of relevant regulated batteries.

13 Reporting by brand owners—the Act, s 12(3)(b)

If a brand owner is a responsible entity, the brand owner's annual report under the Act, section 12(2) must include the information set out in Schedule 2, sections 2 and 3(b) and (d)(i)–(iii).

14 Reporting by PSOs—the Act, s 13(2)(c)

- (1) A PSO's annual report under the Act, section 13(1)(a) must include the information set out in Schedule 2, section 2.
- (2) Each quarterly report by a PSO under the Act, section 13(1)(b) must include the information set out in Schedule 2, section 3.

15 Action plans—the Act, s 16

- (1) A responsible entity for a type of regulated battery must—
 - (a) prepare an action plan in accordance with subsection (2), and
 - (b) lodge a copy of the action plan with the regulator.
- (2) An action plan must comply with Schedule 2, section 1.
- (3) An action plan must be prepared and lodged—
 - (a) if the responsible entity is a PSO—within 3 months after the PSO enters into the relevant stewardship administration agreement with the EPA, or
 - (b) if the responsible entity is a brand owner—
 - (i) within 3 months after giving notice to the regulator under the Act, section 12(1)(a), or
 - (ii) within 3 months after the brand owner ceases to be a party to an agreement with a PSO under section 9(1)(a).

Division 3 Miscellaneous

16 Public register—the Act, s 54(2)(d)

The public register kept under the Act, section 54 must include the details of each stewardship administration agreement the regulator has entered into, including the following—

- (a) the name and contact details of the PSO that is a party to the agreement,
- (b) the regulated batteries to which the agreement applies,
- (c) the date the agreement came into effect,
- (d) whether the agreement is in force.

Schedule 1 Product stewardship—regulated batteries

section 9

Part 1 General

1 Waste minimisation

As far as is reasonably practicable, the number of regulated batteries disposed of by way of household, commercial and industrial waste streams and in landfill must be minimised.

2 Recovery of batteries

As far as is reasonably practicable, the number of regulated batteries recovered through recycling and recovery programs must be maximised.

3 Recycling and re-use of materials

As far as is reasonably practicable, the recycling and re-use of material from regulated batteries recovered through recycling and recovery programs must be maximised.

4 Public awareness

Advertising material and other consumer information for regulated batteries must inform consumers about the following—

- (a) arrangements for recycling and re-use of regulated batteries, including the types of battery that may be recycled and re-used,
- (b) how consumers can access collection points for regulated batteries,
- (c) the safe disposal of batteries that are not regulated batteries.

Part 2 Safety requirements

5 Safety

All reasonable steps must be taken to ensure that regulated batteries are recovered and recycled or disposed of in ways that are safe for—

- (a) the public, and
- (b) the environment.

6 Collection of batteries

- (1) There must be sufficient collection points for regulated batteries in both metropolitan and regional areas to ensure that members of the public are reasonably able to access a collection point.
- (2) For this section a collection point may be—
 - (a) an over the counter collection point, or
 - (b) a stand-alone collection point.
- (3) Collection points must display the types of regulated batteries collected at the collection point.
- (4) Stand-alone collection points must—
 - (a) be in a safe and visible place easily accessible by the public,
 - (b) be undercover, well ventilated and away from direct sunlight and heat.

- (5) Over the counter collection points must be open to the public during reasonable business hours.
- (6) A receptacle for collected regulated batteries must—
 - (a) be designed to prevent items other than batteries being disposed of in the receptacle, and
 - (b) be designed to protect batteries in the receptacle from moisture and heat, and
 - (c) meet all applicable requirements relating to safety during collection, transportation and storage of the batteries, and
 - (d) be designed to prevent the batteries catching fire and to contain a fire that does occur, and
 - (e) be able to be sealed to prevent unauthorised access, including by animals, and
 - (f) be labelled in accordance with the applicable parts of the ADG Code.

Schedule 2 Action plans and annual reports

sections 13–15

1 Content of action plan

The following information must be included in an action plan—

- (a) details of the action that will be taken to divert regulated batteries from landfill and ensure the safe recovery, recycling and disposal of regulated batteries and the components of regulated batteries,
- (b) details of the action that will be taken to ensure—
 - (i) there are sufficient collection points for regulated batteries, and
 - (ii) collection points are reasonably available, including to persons with a disability, and
 - (iii) collection points comply with the requirements of Schedule 1, section 6,
- (c) details of the action that will be taken to ensure the safe and effective management of items other than regulated batteries that are left at collection points,
- (d) a description of the way consumers will be informed of collection and recycling arrangements for regulated batteries,
- (e) an explanation of the financial viability of the collection and recycling arrangements for regulated batteries,
- (f) the way the recycling of regulated batteries in Australia will be supported,
- (g) if the action plan is prepared and lodged by a PSO—the way the PSO will ensure a brand owner of regulated batteries complies with the Act, section 12,
- (h) if the action plan is prepared and lodged by a brand owner—the way the brand owner will comply with the Act, section 12.

2 Content of annual report

The following information must be included in an annual report—

- (a) for each type of regulated battery supplied in the State in the financial year—
 - (i) the number of batteries supplied, and
 - (ii) the total weight of the batteries supplied,
- (b) the way consumers are informed about safe disposal and recycling of regulated batteries,
- (c) the reporting body's achievements against the body's action plan under this regulation, section 15.

3 Content of quarterly report

The following information must be included in a quarterly report—

- (a) if in the previous quarter there has been a material change in the PSO's ability to comply with the stewardship administration agreement the PSO has entered into—the details of the change,
- (b) the details of all fires at collection points in the previous quarter, including the following—
 - (i) the location of the collection point,
 - (ii) the date and time of the fire,
 - (iii) the cause, or suspected cause, of the fire,
 - (iv) details of an emergency services response to the fire,

- (c) the revenue generated by the PSO in connection with the regulated battery product stewardship scheme,
- (d) the expenditure of the PSO in connection with the regulated battery product stewardship scheme on the following—
 - (i) educating the public,
 - (ii) collecting and storing regulated batteries,
 - (iii) recycling regulated batteries,
 - (iv) administration of the scheme,
- (e) the PSO's current financial position, including a summary of the following—
 - (i) assets and liabilities,
 - (ii) income and expenditure for the previous quarter.

Schedule 3 Amendment of Protection of the Environment Operations (General) Regulation 2022

Schedule 6 Penalty notice offences

Insert in alphabetical order in the table—

Product Lifecycle Responsibility Act 2025

Column 1	Column 2	Column 3	Column 4
Provision of Act	Officer	Penalty	Penalty
Section 10(1)			
(a) if the requirement is a safety requirement, or	2	\$2,200	\$11,000
(b) otherwise	2	\$1,100	\$5,500
Section 11(2) or (5)	2	\$550	\$2,750
Section 12(1) or (2)	2	\$1,100	\$5,500
Section 13(1)	2	\$1,100	\$5,500
Section 15	2	\$1,100	\$5,500
Section 16	2	\$1,100	\$5,500
Section 19(2)	2	\$1,100	\$5,500
Section 20(2)	2	\$1,100	\$5,500