

National Television and Computer Recycling Scheme: Liable Parties

The National Television and Computer Recycling Scheme is a co-regulatory Scheme established by the *Product Stewardship (Televisions and Computers) Regulations 2011*. The Regulations were made under the *Product Stewardship Act 2011*, which commenced on 8 August 2011. The objectives of the Act are to reduce the impacts that products have on the environment, throughout their life cycle; and also to reduce the impact that substances contained in products have on the environment, and on the health and safety of human beings.

WHAT IS THE AIM OF THE SCHEME?

The Regulations were developed following a comprehensive national consultation process, starting in July 2009 with a consultation regulation impact statement undertaken by the Environment Protection and Heritage Council. The regulation impact statement showed that television and computer waste amounted to approximately 106,000 tonnes (16.8 million units) in 2007-08. Approximately 10 per cent of this was recycled, with the rest being sent to landfill. These waste volumes are increasing and are expected to grow to 181,000 tonnes (44 million units) by 2027-28. The Scheme's primary goal is by 2021 to have lifted recycling rates to 80 per cent of waste televisions, computers and computer products generated in that year.

WHO ARE LIABLE PARTIES?

The Regulations identify importers of televisions, computers, printers and computer products and domestic manufacturers of televisions, printers and computer products as liable parties. Liability in a given financial year is determined by the number of products imported or manufactured in the previous financial year. The department will identify liable parties based on

records of imports provided by the Australian Customs and Border Protection Service.

Covered products are those imported under the tariff classification numbers/statistical codes listed in Schedule 1 to the Regulations. These products are divided into two product classes:

- The televisions class; and
- The computers, printers and computer products class

An importer or manufacturer is liable in relation to a product class if it imported and/or manufactured more than a threshold amount in that product class during the previous financial year.

The threshold amounts are:

- For televisions – 5,000 units of televisions
- For computers, printers and computer products:
 - 5,000 units of computers or printers; or
 - 15,000 units of computer products

The Regulations also provide that, where the total number of products imported or manufactured by a group of related bodies corporate exceeds the televisions or computers/printers thresholds, all parties in the group of related bodies corporate are liable parties, provided they have imported or manufactured more than 1,000 products in that product class in their own right.

The Regulations also provide that a liable party must be a constitutional corporation. A constitutional corporation is an incorporated entity of a type mentioned in Section 51 (xx) of the Australian Constitution. This includes foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.

WHAT ARE LIABLE PARTIES' OBLIGATIONS?

Under the Product Stewardship Act, a liable party's primary legal obligation is to become a member of an approved arrangement (known as Approved Co Regulatory Arrangements in the Act). An approved arrangement is a set of activities or measures designed to achieve the outcomes (such as a recycling target) in the Regulations on behalf of one or more liable parties. Under the Product Stewardship Act, substantial civil penalties can apply if a liable party fails to meet its obligation to become a member of an approved arrangement.

The period for application for approval of co-regulatory arrangements began on 8 November 2011 with the commencement of the Regulations. At the time of publication of this fact sheet, it was anticipated that approval would be granted to the first co-regulatory arrangements by February 2012.

Each liable party will be expected to become a member of an approved arrangement by the membership census date. In 2011-12, the census date is 1 April 2012. In subsequent financial years, the census date will be 1 September.

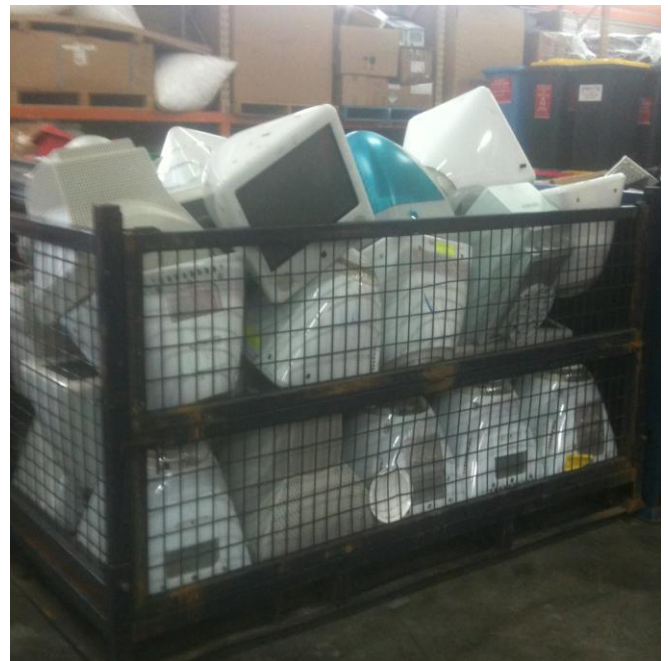
Liable parties are also obliged to provide information on the number of televisions, printers and computer products they manufactured in Australia and on any related bodies corporate that imported or manufactured in Australia televisions, computers or printers. In 2011-12, this information must be reported no later than 1 March 2012. In subsequent financial years, the deadline for these reports is 1 September.

MORE INFORMATION

For more information on the National Television and Computer Recycling Scheme visit the Department of Sustainability, Environment, Water, Population and Communities website at: environment.gov.au/ewaste.

If you wish to receive updates about the Scheme you can subscribe to the Television and Computer Recycling Scheme e-bulletin at: environment.gov.au/settlements/waste/ewaste/subscribe.html.

If you have a liable party enquiry, please contact **1800 332 783** to speak with the TV and Computer Regulation Team.



Factsheet last updated on 8 November 2011

