



# Product Stewardship (Televisions and Computers) Regulations 2011<sup>1</sup>

Select Legislative Instrument 2011 No.

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Product Stewardship Act 2011*.

Dated 2011

Governor-General

By Her Excellency's Command

**[DRAFT ONLY – NOT FOR SIGNATURE]**

Parliamentary Secretary for Sustainability and Urban Water

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**EXPOSURE DRAFT**

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## Contents

<b>Part 1</b>	<b>Preliminary</b>	
1.01	Name of Regulations	4
1.02	Commencement	4
1.03	Definitions	4
1.04	Application	6
1.05	Constitutional connection	6
<b>Part 2</b>	<b>Liable parties and administrators of co-regulatory arrangements</b>	
<b>Division 2.1</b>	<b>Liable parties</b>	
2.01	Liable parties — classes of persons	7
2.02	Criterion — import or manufacture products in previous financial year	7
2.03	Ongoing obligation to be a liable party	9
<b>Division 2.2</b>	<b>Administrators of co-regulatory arrangements</b>	
2.04	Administrator to be fit and proper person	9
<b>Part 3</b>	<b>Outcomes for co-regulatory arrangements</b>	
<b>Division 3.1</b>	<b>Outcomes</b>	
3.01	Outcomes	10
<b>Division 3.2</b>	<b>Collection</b>	
3.02	Collection services	11
3.03	Reasonable access — general requirements	12
<b>Division 3.3</b>	<b>Recycling</b>	
3.04	Working out recycling targets	13
3.05	How recycling targets may be met	16
<b>Division 3.4</b>	<b>Material recovery from recycling</b>	
3.06	Material recovery target	17

	Page
<b>Part 4</b>	<b>Matters to be dealt with by co-regulatory arrangements</b>
4.01	Matters to be dealt with in co-regulatory arrangements 17
<b>Part 5</b>	<b>Record keeping, giving information and reporting</b>
<b>Division 5.1</b>	<b>Record keeping</b>
5.01	Administrator to keep records 18
<b>Division 5.2</b>	<b>Giving information</b>
<b>Subdivision 5.2.1</b>	<b>Information to be given by administrator</b>
5.02	Administrator to give information 19
5.03	Material change of circumstances for co-regulatory arrangement 19
5.04	Yearly information about membership of co-regulatory arrangement 20
5.05	Changes in membership of co-regulatory arrangement 20
5.06	Whether administrator is fit and proper person 21
5.07	Requested information 21
<b>Subdivision 5.2.2</b>	<b>Information to be given by liable parties</b>
5.08	Liable parties to give information 22
5.09	Number of products manufactured 22
5.10	Products imported or manufactured by related bodies corporate 23
<b>Division 5.3</b>	<b>Reporting</b>
<b>Subdivision 5.3.1</b>	<b>Annual reports</b>
5.11	Application 23
5.12	Annual report 24
5.13	Matters to be included in annual report 24
<b>Subdivision 5.3.2</b>	<b>Audit reports</b>
5.14	Audit report given at same time as annual report 28
<b>Schedule 1</b>	<b>Products and product codes</b> 29
Part 1	Televisions 29
Division 1	Other — colour — analog 29
Division 2	Other — colour — digital 30
Division 3	Other — black and white or other monochrome 32
2011,	<i>Product Stewardship (Televisions and Computers) Regulations 2011</i> 3

**DRAFT ONLY**

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		Page
Part 2	Computers, printers and computer products	32
Division 1	Computers	32
Division 2	Printers	34
Division 3	Computer products	35
<b>Schedule 2</b>	<b>Percentage targets</b>	<b>36</b>
Part 1	Televisions	36
Part 2	Computers, printers and computer products	36
<b>Schedule 3</b>	<b>Converted weights</b>	<b>37</b>
Part 1	Televisions	37
Part 2	Computers, printers and computer products	39

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## Part 1 Preliminary

### 1.01 Name of Regulations

These Regulations are the *Product Stewardship (Televisions and Computers) Regulations 2011*.

### 1.02 Commencement

These Regulations commence on the day after they are registered.

### 1.03 Definitions

- (1) In these Regulations:

*Act* means the *Product Stewardship Act 2011*.

*ASGC* means the document titled *Statistical Geography Volume 1— Australian Standard Geographical Classification (ASGC)* (ABS catalogue number 1216.0), published by the Australian Statistician in July 2006.

*class of products* means a class of products mentioned in subregulation 1.04 (1).

*collection services* has the meaning given by regulation 3.02.

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**computer class** means the class of products mentioned in paragraph 1.04 (1) (b).

**converted weight** has the meaning given by subregulation (2).

**import or manufacture share of a co-regulatory arrangement** means the proportion of the scheme target that must be met under the co-regulatory arrangement, worked out under subregulation 3.04 (4).

**inner regional area** has the meaning given by the Remoteness Structure in the ASGC.

**manufacture**, in relation to computers, includes assembling the computer.

**material recovery target** means the proportion of products in a class of products to be sent after recycling for processing into useable materials in a particular financial year, worked out under regulation 3.06.

**metropolitan area** means a major city of Australia, as described in the Remoteness Structure in the ASGC.

**outer regional area** has the meaning given by the Remoteness Structure in the ASGC.

**percentage target** means:

- (a) the percentage of waste arising to be recycled during a financial year; and
- (b) in relation to a class of products for a financial year, is the percentage target set out in Schedule 2 in relation to the class of products for the financial year.

**product** means a product in a class of products mentioned in these Regulations.

**product code** means the code mentioned for a product in *Combined Australian Customs Tariff Nomenclature and Statistical Classification*, published by the Australian Customs and Border Protection Service.

**reasonable access** — see regulation 3.03.

**recycle**, in relation to a product, means initial processing of the product for the purpose of recovering useable materials, and includes disassembly or shredding of the product.

**recycling target**, in relation to a class of products, means the weight of products in that class that must be recycled in a

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particular financial year by members of a co-regulatory arrangement in relation to the class of products, worked out under subregulation 3.04 (1).

**related body corporate** has the meaning given by section 50 of the *Corporations Act 2001*.

**remote area** means remote Australia or very remote Australia, as described in the Remoteness Structure in the ASGC.

**scheme target** means the total weight of products in a class of products to be recycled during a particular financial year, worked out under subregulation 3.04 (2).

**television class** means the class of products mentioned in paragraph 1.04 (1) (a).

**waste arising**, in relation to a class of products, means the estimate of new waste products in that class of products in a particular financial year, worked out under subregulation 3.04 (3).

**whole unit**, in relation to a product, means a unit of a product that has not been recycled.

- (2) In these Regulations, **converted weight**, in relation to a product (identified by product code), means the weight of the product worked out by multiplying the number of units of the product by the conversion factor mentioned for the product in Schedule 3.

#### **1.04 Application**

- (1) These Regulations apply to the following classes of products:
- (a) televisions;
  - (b) computers, printers and computer products.
- (2) Each class of products contains products which are set out, along with each product's product code, in Schedule 1.

#### **1.05 Constitutional connection**

For paragraph 34 (2) (a) of the Act, these Regulations are made in accordance with paragraph 34 (1) (a) of the Act.

*Note* This means that each liable party in relation to the classes of products to which these Regulations apply is a constitutional corporation.

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## **Part 2**                      **Liable parties and administrators of co- regulatory arrangements**

### **Division 2.1**              **Liable parties**

#### **2.01**      **Liable parties — classes of persons**

- (1) For subsection 19 (1) of the Act, this Division specifies the classes of persons who are liable parties in relation to the classes of products.

*Liable parties for television class*

- (2) A person is in the class of persons who are liable parties in relation to the television class for a financial year if the person, in that financial year:
- (a) is a constitutional corporation; and
  - (b) satisfies the criterion in regulation 2.02 as it relates to the television class.

*Liable parties for computer class*

- (3) A person is in the class of persons who are liable parties in relation to the computer class for a financial year if the person, in that financial year:
- (a) is a constitutional corporation; and
  - (b) satisfies the criterion in regulation 2.02 as it relates to the computer class.

#### **2.02**      **Criterion — import or manufacture products in previous financial year**

- (1) To satisfy this criterion for a financial year, the person must have imported into, or manufactured in, Australia in the previous financial year more than the number of products specified in subregulation (2) for the class of products.

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*Example*

The person imports 3 000 televisions into Australia and manufactures 2 500 televisions in Australia. The person will satisfy the criterion in this regulation.

- (2) For subregulation (1), the numbers are:
  - (a) for the television class — 5 000 units of televisions; and
  - (b) for the computer class:
    - (i) 5 000 units of computers or printers; or
    - (ii) 15 000 units of computer products.
- (3) For this regulation, a product is taken to be imported into Australia if:
  - (a) the product is the subject of an import declaration under section 71A of the *Customs Act 1901*; and
  - (b) the product has been entered for home consumption under paragraph 68 (3A) (a) of that Act.

*Domestic manufacturer of computers*

- (4) If a person manufactures a computer in Australia, the person is taken not to satisfy the criterion in this regulation in relation to the computer.

*Related bodies corporate*

- (5) Subregulation (6) does not apply in relation to computer products.
- (6) For this regulation, a person is taken to have imported or manufactured a unit of products in the class of products in the previous financial year if:
  - (a) a related body corporate of the person imported or manufactured the unit in the previous financial year; and
  - (b) the person imported or manufactured more than 1 000 units of products in the class of products in the previous financial year.

*Examples*

- 1 The person imports 2 500 computers into Australia and a related body corporate of the person manufactures 3 000 printers in Australia. The person will satisfy the criterion in this regulation.

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- 2 The person imports 900 televisions into Australia, and a related body corporate of the person imports 5 000 televisions into Australia. The person will not satisfy the criterion in this regulation.

### **2.03 Ongoing obligation to be a liable party**

- (1) This regulation applies if, for a financial year:
- (a) a person is in a class of persons who are liable parties in relation to a class of products; and
  - (b) the person is not a member of a co-regulatory arrangement in relation to the class of products.

*Note* Subsection 18 (1) of the Act requires a liable party in relation to a class of products to be a member of a co-regulatory arrangement in relation to the class of products.

- (2) Despite subregulations 2.01 (2) and (3), the person is taken to be in the class of persons who are liable parties in relation to the class of products for the next financial year.

*Example*

A person is a liable party in relation to the television class for a financial year but fails to be a member of a co-regulatory arrangement in relation to the television class for that financial year. The person is taken to be a liable party in relation to the television class for the next financial year, regardless of whether the person meets the criterion in regulation 2.02.

- (3) Subregulation (2) continues to apply to the person in each financial year until the person becomes a member of a co-regulatory arrangement in relation to the class of products for a financial year.

## **Division 2.2 Administrators of co-regulatory arrangements**

### **2.04 Administrator to be fit and proper person**

For subsections 26 (3) and 28 (2) of the Act, in determining whether an administrator of a co-regulatory arrangement is a fit and proper person, the Minister must have regard to the following matters:

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- (a) any conviction of the administrator, or an executive officer of the administrator, for an offence against the Act committed within the 10 years immediately before the determination;
  - (b) any conviction of the administrator, or an executive officer of the administrator, for an offence against another law of the Commonwealth, or a law of a State or Territory, if that offence was committed within the 10 years immediately before the determination;
  - (c) any civil penalty order made against the administrator, or an executive officer of the administrator, for a contravention of a civil penalty provision in the Act or these Regulations, if that contravention occurred within the 10 years immediately before the determination;
  - (d) whether an executive officer of the administrator is bankrupt, or has applied for bankruptcy;
  - (e) whether any statement by the administrator, or an executive officer of the administrator, in an application under the Act was false or misleading in a material particular, and whether the administrator or executive officer knew that the statement was false or misleading;
  - (f) whether an executive officer of the administrator has been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
  - (g) whether the administrator is an externally-administered body corporate within the meaning given by section 9 of the *Corporations Act 2001*.

## **Part 3                      Outcomes for co-regulatory arrangements**

### **Division 3.1              Outcomes**

#### **3.01              Outcomes**

- (1) For subsection 19 (1) and section 21 of the Act, the outcomes to be achieved by a co-regulatory arrangement in relation to a class of products are as follows:

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- (a) in the financial year starting on 1 July 2012, and in each subsequent financial year, reasonable access to collection services in metropolitan, inner regional, outer regional and remote areas must be provided in accordance with regulation 3.03;
  - (b) the recycling targets worked out under regulation 3.04 for each product in the class must be met;
  - (c) in the financial year starting on 1 July 2014, and in each subsequent financial year, the material recovery target worked out under regulation 3.06 must be met.
- (2) To achieve the outcomes mentioned in paragraphs (1) (a) and (b), the administrator of the co-regulatory arrangement in relation to a class of products must ensure that, under the co-regulatory arrangement:
- (a) a person must not be charged for the collection of a product for recycling if the product was used only for household purposes; and
  - (b) collection of a product in the class of products for recycling is not refused.

## **Division 3.2          Collection**

### **3.02          Collection services**

Collection services include the following:

- (a) programs under which consumers can submit products for recycling by mail or courier;
- (b) events at which consumers may submit products for recycling;
- (c) collection stations established solely for consumers to submit products for recycling;
- (d) locations where consumers may submit products for recycling, but which are also used for other purposes;
- (e) programs under which consumers may register products for collection at a designated point within a specified time.

*Examples for paragraph (d)*

Retail outlets, local governments, not-for-profit organisations.

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*Example for paragraph (e)*

Registration through a toll free number or online.

### **3.03 Reasonable access — general requirements**

- (1) Access to a collection service is reasonable if access is provided in accordance with this regulation.
- (2) A reference in this regulation to:
  - (a) a distance is the distance by road; and
  - (b) the population of an area or town is the population of the area or town as determined in the 2006 Census of Population and Housing, published on the website of the Australian Bureau of Statistics; and
  - (c) the centre point of a town is the point of intersection of the latitude and longitude identified as the location of the town in the *Gazetteer of Australia 2010 Release*, published by Geoscience Australia in February 2011.

#### *Metropolitan areas*

- (3) 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.

#### *Inner regional areas*

- (4) At least one service must be provided for every town of 10 000 people or more in each financial year.
- (5) A service will be provided to a town mentioned in subregulation (4) if the service is available within 100km of the centre point of that town.

#### *Outer regional areas*

- (6) At least one service must be provided for every town of 4 000 people or more in each financial year.

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- (7) A service will be provided to a town mentioned in subregulation (6) if the service is available within 150km of the centre point of that town.

*Remote areas*

- (8) At least one service must be provided for every town of 2 000 people or more, once every 2 financial years.
- (9) A service will be provided to a town mentioned in subregulation (8) if the service is available within 200km of the centre point of that town.

## **Division 3.3      Recycling**

### **3.04      Working out recycling targets**

- (1) A recycling target for a class of products is worked out by multiplying the scheme target for that class of products by the import or manufacture share of the co-regulatory arrangement for that class of products.

*Scheme target*

- (2) The scheme target is worked out by multiplying the percentage target for a class of products for a particular financial year by the waste arising for that class of products.

*Note* See Schedule 2 for the percentage target for a class of products.

*Waste arising*

- (3) The waste arising for a class of products is worked out as follows:

*Step 1:* work out the total converted weight of all products in the class of products imported or manufactured over the last 3 financial years;

*Step 2:* work out the annual average converted weight of products by dividing the result in step 1 by 3;

*Step 3:* multiply the result in step 2 by 0.9.

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*Note* The Minister will publish, annually, the total converted weight of each product in a class of products imported or manufactured in each of the last 3 financial years.

*Import or manufacture share of a co-regulatory arrangement*

- (4) The import or manufacture share of a co-regulatory arrangement is worked out as follows:

*Step 1:* for each product in the class of products, work out the converted weight of units of the product imported or manufactured by members of the co-regulatory arrangement in the previous financial year;

*Step 2:* for each product in the class of products, work out the converted weight of units of the product exported by members of the co-regulatory arrangement in the previous financial year;

*Step 3:* for each product in the class of products, subtract the result in step 2 from the result in step 1;

*Step 4:* work out the total converted weight of products in the class of products by adding together the results worked out in step 3;

*Step 5:* divide the result in step 4 by the total converted weight of products in the class of products imported or manufactured by liable parties during that financial year.

*Note* The Minister will publish, annually, the total converted weight of products in each class of products imported or manufactured by liable parties during a financial year. This is worked out by subtracting the converted weight of products in each class of products exported by liable parties during the financial year from the converted weight of products in each class of products imported or manufactured by liable parties during the financial year.

- (5) Subregulation (6) applies if:
- (a) a liable party failed to be a member of a co-regulatory arrangement for one or more financial years; and
  - (b) the liable party imported, manufactured or exported products in a class of products during those financial years.

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- (6) In the first subsequent financial year when the liable party is a member of a co-regulatory arrangement, the products mentioned in paragraph (5) (b) are to be taken into account in steps 1 and 2 of subregulation (4) as if those products were imported, manufactured or exported in the previous financial year.
- (7) A product exported by a member of the co-regulatory arrangement in the previous financial year must not be taken into account for step 2 of subregulation (4) unless the administrator of the arrangement has given the Minister the following:
- (a) a report that includes the following details about exports by members of the arrangement:
- (i) the total number of units of each product (identified by product code) exported by members in the previous financial year;
  - (ii) the total weight of all products in the class of products exported by members in the previous financial year, worked out by adding up the converted weight for each product;
  - (iii) evidence that each exported product was imported or manufactured by the member that exported it no more than 1 year before the product was exported;
- (b) a report about an audit of the exports mentioned in paragraph (a) that:
- (i) is prepared by:
    - (A) a person that is a registered company auditor under section 1280 of the *Corporations Act 2001*; or
    - (B) a company that is an authorised audit company under section 1299C of the *Corporations Act 2001*; and
  - (ii) includes a statement, from the person or company preparing the report, that the report mentioned in paragraph (a) is accurate.

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*Computers manufactured in Australia*

- (8) For subregulations (3), (4) and (5), computers manufactured in Australia are not to be taken into account.

**3.05 How recycling targets may be met**

- (1) A product in a class of products will be taken to be recycled if:
- (a) it is recycled under a co-regulatory arrangement; or
  - (b) it is recycled after these Regulations commence by a liable party who subsequently becomes a member of a co-regulatory arrangement.

*When target is exceeded in a financial year*

- (2) If a recycling target is exceeded in a particular financial year by a particular amount (the *excess amount*), all or part of the excess amount may be used to meet the recycling target in a subsequent financial year.
- (3) However, only up to 25% of the recycling target for a subsequent financial year may be met from the excess amount.

*Recycling target for 2012–2013 financial year*

- (4) Any recycling undertaken during the financial year starting on 1 July 2011 may be taken into account in meeting the recycling target for the financial year starting on 1 July 2012, and the limitation in subregulation (3) does not apply.

*Note* No recycling targets have been set for the 2011–2012 financial year.

*When target is not reached in a financial year*

- (5) If a recycling target is not achieved under a co-regulatory arrangement in a particular financial year:
- (a) the co-regulatory arrangement is taken not to have achieved the outcomes for the arrangement in that financial year; and

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- (b) the amount by which the co-regulatory arrangement fell short of the recycling target for that financial year must be added to the recycling target for the arrangement for the following financial year.

## **Division 3.4          Material recovery from recycling**

### **3.06          Material recovery target**

The material recovery target is 75% of the products in a class of products, based on weight.

## **Part 4                  Matters to be dealt with by co-regulatory arrangements**

### **4.01          Matters to be dealt with in co-regulatory arrangements**

For subsection 22 (1) of the Act, a co-regulatory arrangement must deal with the following matters:

- (a) governance systems, including systems for:
  - (i) achieving the outcomes and meeting the requirements in these Regulations; and
  - (ii) managing risk; and
  - (iii) resolving disputes; and
  - (iv) replacing the administrator;
- (b) financial arrangements and funding to achieve the outcomes and requirements in these Regulations;
- (c) procedures in relation to membership of the arrangement, including:
  - (i) requirements related to becoming or ceasing to be a member; and
  - (ii) maintenance of confidential information about members;
- (d) communicating information to the public about the arrangement, including the activities of the arrangement and how its services can be accessed;

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- (e) assessing the adequacy of the environmental, health and safety policies and practices in relation to the collection, storage, transportation or recycling of products undertaken under the co-regulatory arrangement.

## **Part 5                      Record keeping, giving information and reporting**

### **Division 5.1              Record keeping**

#### **5.01              Administrator to keep records**

- (1) For paragraph 24 (1) (a) of the Act, the administrator of a co-regulatory arrangement must make accurate records relating to the administration or operation of the arrangement.

Civil penalty: 250 penalty units.

- (2) The administrator must keep each record for 5 years from the day the record is created.

Civil penalty: 250 penalty units.

- (3) For this regulation, *records* includes technical data, certifications and inspection records relating to the following:

- (a) the outcomes to be achieved by the co-regulatory arrangement;
- (b) the matters to be dealt with by the co-regulatory arrangement;
- (c) reporting requirements under Division 5.3.

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## Division 5.2 Giving information

### Subdivision 5.2.1 Information to be given by administrator

#### 5.02 Administrator to give information

- (1) For paragraph 24 (1) (b) of the Act, the administrator of a co-regulatory arrangement must give the Minister, or notify the Minister of, the information set out in this Subdivision.

Civil penalty: 250 penalty units.

- (2) The administrator must give the Minister, or notify the Minister of, the information within the time frame specified for the giving or notifying of the information.

Civil penalty: 250 penalty units.

- (3) The administrator must give the Minister, or notify the Minister of, the information:

- (a) for the information set out in regulation 5.07 — in the specified format; and
- (b) for information not set out in regulation 5.07 — in a manner approved by the Minister.

Civil penalty: 250 penalty units.

#### 5.03 Material change of circumstances for co-regulatory arrangement

- (1) The administrator of a co-regulatory arrangement must notify the Minister of any material change of circumstance for the co-regulatory arrangement by 28 days after the change.

- (2) For subregulation (1), a change of circumstance is *material* if it hinders:

- (a) the ability of the co-regulatory arrangement to:
  - (i) achieve the outcomes specified in Part 3; or
  - (ii) adequately deal with the matters to be dealt with under Part 4; or

- 
- (b) the ability of the administrator to comply with any requirements specified in these Regulations.

#### **5.04 Yearly information about membership of co-regulatory arrangement**

- (1) Each year, the administrator of a co-regulatory arrangement must give to the Minister information about the membership of the co-regulatory arrangement as at 1 September of that year.
- (2) The administrator must give the information to the Minister as soon as practicable after that date.
- (3) The information must include:
  - (a) the number of members of the co-regulatory arrangement; and
  - (b) the name, and the trading name (if any), of each member; and
  - (c) the ABN or ACN of each member; and
  - (d) the date each member became a member; and
  - (e) for each liable party that is no longer a member of the co-regulatory arrangement — the date the liable party ceased to be a member.

#### **5.05 Changes in membership of co-regulatory arrangement**

- (1) If a liable party becomes, or ceases to be, a member of a co-regulatory arrangement, the administrator of the co-regulatory arrangement must notify the Minister, in writing, of that change in the membership by 28 days after the change occurs.
- (2) For each liable party that becomes, or ceases to be, a member of the co-regulatory arrangement, the notice must include:
  - (a) the ABN or ACN of the liable party; and
  - (b) the date the liable party became a member; and
  - (c) if the liable party has ceased to be a member — the date the liable party ceased to be a member.

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## 5.06 Whether administrator is fit and proper person

- (1) If any of the events mentioned in subregulation (2) occur, the administrator of a co-regulatory arrangement must notify the Minister of the event by 28 days after an executive officer of the administrator becomes aware of the event.
- (2) For subregulation (1), the events are the following:
  - (a) the administrator, or an executive officer of the administrator, is convicted of an offence against:
    - (i) the Act; or
    - (ii) another law of the Commonwealth or a law of a State or Territory;
  - (b) a civil penalty order is made against the administrator, or an executive officer of the administrator, for a contravention of a civil penalty provision in the Act or these Regulations;
  - (c) an executive officer of the administrator becomes bankrupt or applies for bankruptcy;
  - (d) the administrator, or an executive officer of the administrator, makes a false or misleading statement in relation to a material particular in an application under the Act;
  - (e) an executive officer of the administrator is disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
  - (f) the administrator becomes an externally-administered body corporate.

## 5.07 Requested information

- (1) The administrator of a co-regulatory arrangement must give the Minister any information relating to the administration or operation of the co-regulatory arrangement if the Minister requests, in writing, that it be given.
- (2) The administrator must give the information to the Minister:
  - (a) within the period, or by the day, specified in the written request; and

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- (b) if the written request specifies a format in which the information must be given — in the format specified in the request.

### **Subdivision 5.2.2 Information to be given by liable parties**

#### **5.08 Liable parties to give information**

- (1) For paragraph 24 (1) (b) of the Act, a liable party in relation to a class of products must give the Minister, or notify the Minister of, the information set out in this Subdivision.

Civil penalty: 250 penalty units.

- (2) The liable party must give the Minister, or notify the Minister of, the information within the time frame specified for the giving or notifying of the information.

Civil penalty: 250 penalty units.

- (3) The liable party must give the Minister, or notify the Minister of, the information in a manner approved by the Minister.

Civil penalty: 250 penalty units.

#### **5.09 Number of products manufactured**

- (1) This regulation does not apply in relation to computers manufactured in Australia.

- (2) The liable party in relation to a class of products must, by 1 September each year, notify the Minister of how many of each product (identified by product code) in the class of products the liable party manufactured (if any) in the previous financial year.

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## **5.10 Products imported or manufactured by related bodies corporate**

- (1) The liable party in relation to a class of products must, by 1 September each year, give the Minister the following information about each related body corporate of the liable party that manufactured or imported products in the class of products (other than computer products) in the previous financial year:
  - (a) the name of the related body corporate;
  - (b) the ABN or ACN of the related body corporate;
  - (c) the date or dates the related body corporate became a related body corporate of the liable party;
  - (d) the date or dates the related body corporate ceased to be a related body corporate of the liable party, if applicable.
- (2) The liable party must also, by 1 May 2012, give the Minister the information mentioned in subregulation (1) about each related body corporate of the liable party that manufactured or imported products in the class of products (other than computer products) in the financial year starting on 1 July 2010.

## **Division 5.3 Reporting**

### **Subdivision 5.3.1 Annual reports**

#### **5.11 Application**

- (1) This Subdivision, other than subregulation 5.13 (10), applies in relation to the financial year starting on 1 July 2012, and each subsequent financial year.
- (2) Subregulation 5.13 (10) applies in relation to the financial year starting on 1 July 2014, and each subsequent financial year.

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## 5.12 Annual report

- (1) For subsection 24 (4) of the Act, the administrator of a co-regulatory arrangement must, for each financial year, give the Minister a report in relation to the operation of the co-regulatory arrangement in the financial year (an *annual report*), in accordance with this regulation.

Civil penalty: 250 penalty units.

- (2) The annual report must be given to the Minister:
  - (a) by 30 October in the next financial year; and
  - (b) in a manner approved by the Minister.
- (3) The annual report must include the matters set out in regulation 5.13.

### *Information relating to 2011-2012 financial year*

- (4) The annual report for the financial year starting on 1 July 2012 must also include the matters set out in regulation 5.13 in relation to the operation of the co-regulatory arrangement in the financial year starting on 1 July 2011.

## 5.13 Matters to be included in annual report

- (1) The annual report must:
  - (a) identify the class or classes of products covered by the co-regulatory arrangement; and
  - (b) describe any activities undertaken in relation to the matters required to be dealt with by the co-regulatory arrangement under Part 4; and
  - (c) describe the performance of the co-regulatory arrangement in relation to each outcome to be achieved under Part 3; and
  - (d) if an outcome was not achieved — explain why the outcome was not achieved, and the measures proposed to be implemented to rectify the failure to achieve the outcome.

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### *Details about membership*

- (2) The annual report must also include the number of members of the co-regulatory arrangement, and the following information about each member:
- (a) the name, and the trading name (if any), of the member;
  - (b) if the co-regulatory arrangement covers more than one class of products — the class of products in relation to which the member is a liable party;
  - (c) the ABN or ACN of the member;
  - (d) the date the member became a member;
  - (e) for each liable party that is no longer a member of the co-regulatory arrangement — the date the liable party ceased to be a member.

### *Details about collection and storage of products*

- (3) The annual report must also include the following in relation to the collection and storage of products under the co-regulatory arrangement:
- (a) details about each collection service, including the type of collection service, the location of the collection service and the frequency of the collection service; and
  - (b) the total weight of products in a class of products collected in each of the following areas in each State and Territory:
    - (i) metropolitan areas;
    - (ii) inner regional areas;
    - (iii) outer regional areas;
    - (iv) remote areas;
  - (c) the total weight of products in a class of products stored other than at a recycling facility.

### *Details about recycling of products*

- (4) The annual report must also include the following in relation to recycling of products under the co-regulatory arrangement:
- (a) the total weight of products in a class of products delivered to a recycling facility;
  - (b) the total weight of products in a class of products recycled;

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- (c) the types of materials recovered from the disassembly of products in a class of products;
  - (d) the total weight of materials recovered from the disassembly of products in a class of products;
  - (e) the types of materials sent for disposal from the disassembly of products in a class of products;
  - (g) the total weight of materials sent for disposal from the disassembly of products in a class of products.

*Details about exporting products*

- (5) The annual report must also include the following in relation to products exported under the co-regulatory arrangement:
  - (a) the total weight of products in a class of products that are exported as whole units for recycling;
  - (b) the country to which the products were exported.

*Details about contracted service providers*

- (6) The annual report must also include, for each class of products, the following in relation to each service provider contracted to provide collection, transportation, storage or recycling services in relation to the co-regulatory arrangement:
  - (a) the name of the service provider;
  - (b) the service provided by the service provider;
  - (c) the total weight of products recycled by the service provider.
- (7) For subregulation (6), *service provider* includes:
  - (a) an overseas facility that receives whole units of products exported from Australia under the co-regulatory arrangement; and
  - (b) if the administrator is providing services in relation to the co-regulatory arrangement beyond the role of being administrator — the administrator in its capacity of providing those services.

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*Details about environmental and OH&S incidents or breaches*

- (8) The annual report must also include details about any of the following that occur in the course of the collection, transportation, storage or recycling of products in a class of products under the co-regulatory arrangement:
  - (a) if an environmental law or an occupational health and safety law requires a person to notify a public office holder or public authority if a particular incident occurs — any of those incidents;
  - (b) a breach of an environmental law or an occupational health and safety law.
- (9) A reference in subregulation (8) to a law means a law of the Commonwealth, or of a State or Territory.

*Details to be provided from 2014–2015 financial year*

- (10) The annual report must also include the following details in relation to the co-regulatory arrangement:
  - (a) if a service provider mentioned in subregulation (6) exports components that have been recycled from products in a class of products — the weight of the components exported by the service provider for processing;
  - (b) the country to which the components mentioned in paragraph (a) were exported;
  - (c) the total weight of useable materials recovered from products in a class of products;
  - (d) the total weight of non-useable materials sent to landfill from products in a class of products by each of the following classes of facilities:
    - (i) domestic processing facilities;
    - (ii) overseas processing facilities.

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## Subdivision 5.3.2 Audit reports

### 5.14 Audit report given at same time as annual report

- (1) For subsection 24 (4) of the Act, when the administrator of a co-regulatory arrangement gives an annual report for a financial year to the Minister, the administrator must also give the Minister a report about an audit of the operation of the co-regulatory arrangement (an *audit report*) for the financial year, in accordance with this regulation.

Civil penalty: 250 penalty units.

- (2) The audit report must be prepared by:
- (a) a person that is a registered company auditor under section 1280 of the *Corporations Act 2001*; or
  - (b) a company that is an authorised audit company under section 1299C of the *Corporations Act 2001*.
- (3) The audit report must include:
- (a) an audit of the financial statements setting out the revenue and expenditure of the co-regulatory arrangement; and
  - (b) an audit of the performance of the co-regulatory arrangement in relation to each outcome to be achieved under Part 3; and
  - (c) a statement from the person or company preparing the report that the audit was conducted in accordance with:
    - (i) the Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*, issued by the Auditing and Assurance Standards Board in July 2007, as it exists at the time these Regulations commence; and
    - (ii) any other auditing standard issued by the Auditing and Assurance Standards Board that applies to the audit, as the standard exists at the time these Regulations commence; and
  - (d) a statement from the person or company preparing the report as to whether the annual report for the financial year is accurate and complies with regulation 5.12.

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## Schedule 1      Products and product codes

(regulation 1.04)

### Part 1      Televisions

#### Division 1      Other — colour — analog

Item	Description	Product code
1.1	Plasma:	
	(a) screen size less than 80cm;	8528.72.00.10
	(b) screen size 80cm and over	8528.72.00.11
1.2	Projection:	
	(a) wide screen size:	
	(i) less than 80cm;	8528.72.00.15
	(ii) 80cm and over;	8528.72.00.16
	(b) other than wide screen size	8528.72.00.17
1.3	LCD:	
	(a) wide screen size:	
	(i) less than 80cm;	8528.72.00.20
	(ii) 80cm and over;	8528.72.00.21
	(b) other than wide screen size	8528.72.00.22
1.4	Cathode-ray tube:	
	(a) flat screen:	
	(i) screen size less than 34cm;	8528.72.00.30
	(ii) screen size 34cm and over but less than 51cm;	8528.72.00.31
	(iii) screen size 51cm and over but less than 68cm;	8528.72.00.32

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<b>Item</b>	<b>Description</b>	<b>Product code</b>
	(iv) screen size 68cm and over but less than 79cm;	8528.72.00.33
	(v) screen size 79cm and over;	8528.72.00.34
	(b) other than flat screen:	
	(i) screen size less than 34cm;	8528.72.00.35
	(ii) screen size 34cm and over but less than 51cm;	8528.72.00.36
	(iii) screen size 51cm and over but less than 68cm;	8528.72.00.37
	(iv) screen size 68cm and over but less than 79cm;	8528.72.00.38
	(v) screen size 79cm and over	8528.72.00.39
1.5	Other	8528.72.00.40

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## **Division 2 Other — colour — digital**

<b>Item</b>	<b>Description</b>	<b>Product code</b>
2.1	Plasma:	
	(a) screen size less than 80cm;	8528.72.00.50
	(b) screen size 80cm and over	8528.72.00.51
2.2	Projection:	
	(a) wide screen size:	
	(i) less than 80cm;	8528.72.00.55
	(ii) 80cm and over;	8528.72.00.56
	(b) other than wide screen size	8528.72.00.57

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<b>Item</b>	<b>Description</b>	<b>Product code</b>
2.3	LCD:	
	(a) wide screen size:	
	(i) less than 80cm;	8528.72.00.60
	(ii) 80cm and over;	8528.72.00.61
	(b) other than wide screen size	8528.72.00.62
2.4	Cathode-ray tube:	
	(a) flat screen:	
	(i) screen size less than 34cm;	8528.72.00.70
	(ii) screen size 34cm and over but less than 51cm;	8528.72.00.71
	(iii) screen size 51cm and over but less than 68cm;	8528.72.00.72
	(iv) screen size 68cm and over but less than 79cm;	8528.72.00.73
	(v) screen size 79cm and over;	8528.72.00.74
	(b) other than flat screen:	
	(i) screen size less than 34cm;	8528.72.00.75
	(ii) screen size 34cm and over but less than 51cm;	8528.72.00.76
	(iii) screen size 51cm and over but less than 68cm;	8528.72.00.77
	(iv) screen size 68cm and over but less than 79cm;	8528.72.00.78
	(v) screen size 79cm and over	8528.72.00.79
2.5	Other	8528.72.00.80

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**Division 3 Other — black and white or other monochrome**

<b>Item</b>	<b>Description</b>	<b>Product code</b>
3.1	Black and white or other monochrome	8528.73.00.35

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**Part 2 Computers, printers and computer products****Division 1 Computers**

<b>Item</b>	<b>Description</b>	<b>Product code</b>
4.1	Automatic data processing machines and units; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing the data:	
	(a) portable automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display:	
	(i) laptops, notebooks and palmtops;	8471.30.00.20
	(ii) other;	8471.30.00.90
	(b) other automatic data processing machines, comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined:	
	(i) personal computers;	8471.41.00.21
	(ii) other;	8471.41.00.91

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Item	Description	Product code
	(c) other automatic data processing machines, presented in the form of systems:	
	(i) personal computers;	8471.49.00.22
	(ii) other;	8471.49.00.92
	(d) processing units other than those mentioned in paragraphs (b) and (c), whether or not containing in the same housing one or two storage units, input units or output units:	
	(i) CPUs for personal computers;	8471.50.00.23
	(ii) other	8471.50.00.93
4.2	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus:	
	(a) cathode-ray tube monitors of a kind solely or principally used in an automatic data processing system mentioned in item 4.1;	8528.41.00.10
	(b) other monitors of a kind solely or principally used in an automatic data processing system mentioned in item 4.1:	
	(i) flat screen monitors;	8528.51.00.32
	(ii) other	8528.51.00.33

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## Division 2 Printers

Item	Description	Product code
5.1	Machines which perform 2 or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network:	
	(a) printing as the principal function:	
	(i) ink-jet;	8443.31.00.61
	(ii) dot matrix;	8443.31.00.62
	(iii) laser;	8443.31.00.64
	(iv) other;	8443.31.00.69
	(b) other MFDs	8443.31.00.90
5.2	Other printers, copying machines and facsimile machines capable of connecting to an automatic data processing machine or to a network:	
	(a) ink-jet printers;	8443.32.00.71
	(b) dot matrix printers;	8443.32.00.72
	(c) laser printers;	8443.32.00.74
	(d) other printers;	8443.32.00.79
	(e) other	8443.32.00.95

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### Division 3 Computer products

Item	Description	Product code
6.1	Automatic data processing machines and units; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing the data:	
	(a) input or output units, whether or not containing storage units in the same housing:	
	(i) keyboards;	8471.60.00.55
	(ii) joysticks and game pad;	8471.60.00.91
	(iii) mouse and trackball;	8471.60.00.92
	(iv) scanners;	8471.60.00.95
	(v) other;	8471.60.00.98
	(b) storage units:	
	(i) compact disc drives (including burners);	8471.70.00.20
	(ii) digital video disc drives (including burners);	8471.70.00.25
	(iii) hard drives;	8471.70.00.74
	(iv) floppy drives;	8471.70.00.75
	(v) other	8471.70.00.43
6.2	Parts and accessories for machines mentioned in item 6.1:	
	(a) cards;	8473.30.00.62
	(b) motherboards;	8473.30.00.68
	(c) other	8473.30.00.70

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Item	Description	Product code
6.3	Electrical transformers, static converters (for example, rectifiers and inductors) — static converters — separately housed units, designed to be housed in the same cabinet as the central processing unit of equipment in item 6.1	8504.40.30.59
6.4	Web cameras	8525.80.10.15

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## Schedule 2 Percentage targets

(regulation 1.03)

### Part 1 Televisions

Item	Financial year	Percentage target
1	2011–2012	N/A
2	2012–2013	30%
3	2013–2014	33%
4	2014–2015	35%
5	2015–2016	37%
6	2016–2017	40%
7	2017–2018	48%
8	2018–2019	56%
9	2019–2020	64%
10	2020–2021	72%
11	2021–2022	80%

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### Part 2 Computers, printers and computer products

Item	Financial year	Percentage target
1	2011–2012	N/A

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Item	Financial year	Percentage target
2	2012–2013	30%
3	2013–2014	33%
4	2014–2015	35%
5	2015–2016	37%
6	2016–2017	40%
7	2017–2018	48%
8	2018–2019	56%
9	2019–2020	64%
10	2020–2021	72%
11	2021–2022	80%

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## Schedule 3      **Converted weights**

(regulation 1.03)

### Part 1      **Televisions**

Item	Product code	Conversion factor (kg)
1	8528.72.00.10	8.9
2	8528.72.00.11	30.2
3	8528.72.00.15	8.9
4	8528.72.00.16	30.1
5	8528.72.00.17	30.1
6	8528.72.00.20	5.4
7	8528.72.00.21	18.5
8	8528.72.00.22	18.5
9	8528.72.00.30	4.0
10	8528.72.00.31	8.2
11	8528.72.00.32	20.8
12	8528.72.00.33	39.9
13	8528.72.00.34	58.0

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<b>Item</b>	<b>Product code</b>	<b>Conversion factor (kg)</b>
14	8528.72.00.35	4.0
15	8528.72.00.36	8.2
16	8528.72.00.37	20.8
17	8528.72.00.38	39.9
18	8528.72.00.39	58.0
19	8528.72.00.40	18.5
20	8528.72.00.50	8.9
21	8528.72.00.51	30.1
22	8528.72.00.55	8.9
23	8528.72.00.56	30.1
24	8528.72.00.57	30.1
25	8528.72.00.60	5.4
26	8528.72.00.61	18.5
27	8528.72.00.62	18.5
28	8528.72.00.70	4.0
29	8528.72.00.71	8.2
30	8528.72.00.72	20.8
31	8528.72.00.73	39.9
32	8528.72.00.74	58.0
33	8528.72.00.75	4.0
34	8528.72.00.76	8.2
35	8528.72.00.77	20.8
36	8528.72.00.78	39.9
37	8528.72.00.79	58.0
38	8528.72.00.80	18.5
39	8528.73.00.35	1.0

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## Part 2      **Computers, printers and computer products**

Item	Product code	Conversion factor (kg)
1	8443.31.00.61	8.7
2	8443.31.00.62	8.8
3	8443.31.00.64	13.6
4	8443.31.00.69	8.8
5	8443.31.00.90	10.6
6	8443.32.00.71	8.3
7	8443.32.00.72	8.3
8	8443.32.00.74	9.5
9	8443.32.00.79	8.9
10	8443.32.00.95	8.9
11	8471.30.00.20	2.4
12	8471.30.00.90	3.0
13	8471.41.00.21	10.7
14	8471.41.00.91	10.0
15	8471.49.00.22	13.5
16	8471.49.00.92	13.5
17	8471.50.00.23	10.4
18	8471.50.00.93	13.2
19	8471.60.00.55	0.8
20	8471.60.00.91	0.6
21	8471.60.00.92	0.3
22	8471.60.00.95	3.5
23	8471.60.00.98	0.6
24	8471.70.00.20	1.0
25	8471.70.00.25	0.6
26	8471.70.00.43	0.04
27	8471.70.00.74	0.60

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<b>Item</b>	<b>Product code</b>	<b>Conversion factor (kg)</b>
28	8471.70.00.75	1.0
29	8473.30.00.62	0.50
30	8473.30.00.68	0.80
31	8473.30.00.70	1.00
32	8504.40.30.59	4.50
33	8525.80.10.15	0.10
34	8528.41.00.10	11.40
35	8528.51.00.32	6.40
36	8528.51.00.33	6.30

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#### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.