



New South Wales

Product Lifecycle Responsibility Regulation 2026

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*.

PENNY SHARPE, MLC
Minister for the Environment

Explanatory note

The object of this regulation is to prescribe product stewardship requirements, including requirements for record keeping and reporting, for commonly used and discarded batteries to encourage the collection and recycling of those batteries and battery components.

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Product Lifecycle Responsibility Regulation 2026

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Product Lifecycle Responsibility Act 2025

Part 1 Preliminary

1 Name of regulation

This regulation is the *Product Lifecycle Responsibility Regulation 2026*.

2 Commencement

This regulation commences on—

- (a) if the Act commences on or before 1 October 2026—1 October 2026, or
- (b) otherwise—the day on which the Act commences.

3 Definitions

In this regulation—

battery chemistry type means the chemical compounds used in a battery to store and release electrical energy through electrochemical reactions, including the following—

- (a) lithium-ion,
- (b) nickel-cadmium,
- (c) nickel-metal hydride.

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.

public register means the public register kept under the Act, section 54.

regulated battery—see section 7.

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

relevant agreement, for Schedule 3—see Schedule 3, section 1.

responsible entity, for Part 2, Division 2—see section 11.

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.

5 Application

Section 10 and Part 2, Division 2 do not apply to a brand owner that supplies less than 24kg of regulated batteries in the State in the financial year.

Part 2 Product stewardship—regulated batteries

Division 1 Preliminary

6 Establishment of scheme

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

7 Regulated batteries

- (1) Each of the following is a type of *regulated battery*—
 - (a) a battery of one of the following sizes—
 - (i) AAA,
 - (ii) AA,
 - (iii) C,
 - (iv) D,
 - (v) 9 volt,
 - (vi) 6 volt lantern,
 - (b) a button battery or a button cell battery,
 - (c) a removable rechargeable battery weighing 5kg or less,
 - (d) a rechargeable battery used to power an e-micromobility device,
 - (e) a portable power bank 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.

8 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.

9 Brand owner—the Act, s 6

- (1) For the Act, section 6(1)(b), a brand owner of a regulated battery includes the person responsible for bringing the regulated battery into the State for supply.
- (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 is responsible for bringing the regulated battery into the State for supply.
- (3) To avoid doubt, a person who only transports, including related warehousing, a regulated battery for another person does not bring the regulated battery into the State for supply.

10 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) For the Act, section 8(5), 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

11 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—each 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—each brand owner for the type of regulated battery.

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

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 the 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 total number of batteries supplied, and
 - (ii) the number of batteries of each battery chemistry type supplied, and
 - (iii) the total weight of the batteries supplied, and
 - (iv) the weight of batteries of each battery chemistry type supplied.

13 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 the 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 number of batteries of each battery chemistry type supplied by each brand owner, and
 - (iii) the total weight of the batteries supplied, and
 - (iv) the weight of batteries of each battery chemistry type 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 for the recovery and re-use of material from relevant regulated batteries, must prepare and keep a record of the following—
- (a) each agreement,
 - (b) for each agreement for the recovery and re-use of material from relevant regulated batteries—
 - (i) the minimum standards for the recovery and re-use of material from the batteries, and
 - (ii) the percentage of reusable material recovered from the batteries and re-used by the third party, and
 - (iii) 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.

14 Reporting by brand owners—the Act, s 12(3)(b) and 57(3)

- (1) If a brand owner is a responsible entity, the brand owner’s annual report under the Act, section 12(2) must include —
- (a) the information set out in Schedule 2, sections 2 and 3(b), and
 - (b) the brand owner’s expenditure on the following—
 - (i) educating the public,
 - (ii) collecting and storing regulated batteries,
 - (iii) recycling regulated batteries.
- (2) A brand owner that is not a responsible entity is exempt from the Act, section 12(2)(a).

15 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.

16 Action plans—the Act, s 16

- (1) A responsible entity for a type of regulated battery must—

- (a) prepare an action plan that complies with Schedule 2, section 1, and
 - (b) lodge a copy of the action plan with the regulator.
- (2) 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 regulator, 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 10(1)(a).

Division 3 Miscellaneous

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

The public register must include the information set out in Schedule 3.

Schedule 1 Product stewardship—regulated batteries

section 10

Part 1 General

1 Principles of a circular economy

As far as is reasonably practicable, regulated batteries must be recovered, recycled and re-used in a way that promotes and supports the principles of a circular economy.

2 Waste prevention

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

3 Recovery of batteries

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

4 Recycling and re-use of materials

- (1) 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.
- (2) Recycling of material from regulated batteries must be undertaken in accordance with the *NSW Batteries Product Stewardship Recycling Standard* published by the EPA and as in force from time to time.

5 Public awareness

As far as is reasonably practicable, consumers of regulated batteries must be kept informed about the following—

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

Part 2 Safety requirements

6 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 the public and the environment.

7 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) a stand-alone collection point, or
 - (b) an over-the-counter collection point.

- (3) A collection point must display the types of regulated batteries collected at the collection point.
- (4) A stand-alone collection point must—
 - (a) be in a safe and visible place easily accessible by the public, and
 - (b) be undercover, well ventilated and away from direct sunlight and heat.
- (5) An over-the-counter collection point must be open to the public during reasonable business hours.
- (6) A receptacle for collected regulated batteries must—
 - (a) be designed to—
 - (i) minimise the risk of items other than batteries being disposed of in the receptacle, and
 - (ii) protect batteries in the receptacle from moisture and heat, and
 - (iii) minimise the risk of the batteries catching fire and contain a fire that does occur, and
 - (b) meet all applicable requirements relating to safety during collection, transportation and storage of the batteries, and
 - (c) be able to be sealed to prevent unauthorised access, including by animals, and
 - (d) be labelled in accordance with the applicable parts of the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the National Transport Commission and as in force from time to time.

Schedule 2 Action plans and reports

sections 14–16

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—
 - (i) prevent the disposal of regulated batteries by way of household, commercial and industrial waste streams and in landfill, and
 - (ii) ensure the recovery, recycling and disposal of regulated batteries and the components of regulated batteries in ways that are safe for the public and the environment,
- (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 total number of batteries supplied, and
 - (ii) the number of batteries of each battery chemistry type supplied, and
 - (iii) the total weight of the batteries supplied, and
 - (iv) the weight of batteries of each battery chemistry type supplied,
- (b) the way consumers are informed about the safe disposal and recycling of regulated batteries,
- (c) the reporting body's achievements against the body's action plan under this regulation, section 16.

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 to which the PSO is a party—the details of the change,

- (b) the details of all battery fires at collection points in the previous quarter, including the following for each fire—
 - (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 emergency services responses 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 Public register

section 17

1 Definition

In this schedule—

relevant agreement means a stewardship administration agreement to which the regulator is a party.

2 Stewardship administration agreement details

The public register must include the details of each relevant agreement, including the following—

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

3 Information about battery collection and recovery

- (1) The public register must include the following information about the batteries collected under each relevant agreement in the previous financial year—

- (a) the total weight of the batteries collected under the agreement,
- (b) the disposal rate of the batteries collected under the agreement calculated as follows—

$$DR = WD/WC$$

where—

DR means the disposal rate of the batteries, and

WD means the total weight of collected batteries disposed of.

WC means the total weight of batteries collected under the agreement, and

- (c) the recovery rate of the batteries collected under the agreement calculated as follows—

$$RR = (WC - WD)/WC$$

where—

RR means the recovery rate, and

WC means the total weight of batteries collected under the agreement, and

WD means the total weight of collected batteries disposed.

- (d) the recycling rate of the batteries collected under the agreement calculated as follows—

$$RR = WR/WC$$

where—

RR means the recycling rate, and

WR means the total weight of reusable material recovered from the collected batteries, and

WC means the total weight of batteries collected under the agreement.

- (2) The information must be included on the public register by the later of—

- (a) 1 December immediately following the end of the financial year, or

- (b) 60 days after the regulator is given the annual report of the PSO that is a party to the agreement.

4 Information about expenditure

- (1) The public register must include information about a PSO's expenditure on the following in the previous financial year—
 - (a) educating the public,
 - (b) collecting and storing regulated batteries,
 - (c) recycling regulated batteries.
- (2) The information must be included on the public register by the later of—
 - (a) 1 December immediately following the end of the financial year, or
 - (b) 60 days after the regulator is given the PSO's annual report.

Schedule 4 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 Provision of Act	Column 2 Officer	Column 3 Penalty	Column 4 Penalty
Section 10(1)			
(a) if the requirement is a safety requirement, or	2	For a first offence— \$2,200	For a first offence— \$8,800
		For a second or subsequent offence— \$3,300	For a second or subsequent offence— \$13,200
(b) otherwise	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 11(2)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 11(5)	2	For a first offence— \$275	For a first offence— \$1,100
		For a second or subsequent offence— \$410	For a second or subsequent offence— \$1,650
Section 12(1) or (2)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 13(1)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 15	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600

Product Lifecycle Responsibility Act 2025

Column 1	Column 2	Column 3	Column 4
Provision of Act	Officer	Penalty	Penalty
Section 16	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 19(2)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 20(2)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600
Section 40(1)	2	For a first offence— \$1,100	For a first offence— \$4,400
		For a second or subsequent offence— \$1,650	For a second or subsequent offence— \$6,600