

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Parliamentary Secretary for Sustainability and Urban Water

### *Product Stewardship Act 2011*

#### Proclamation

Item 2 of the table in subsection 2(1) of the *Product Stewardship Act 2011* (the Act) provides that sections 3 to 111 of the Act commence on a day or days to be fixed by Proclamation. However, if any of the provisions of sections 3 to 111 do not commence within six months of the date the Act receives the Royal Assent, then those provisions commence on the first day after the end of that six month period. The Act received the Royal Assent on 25 July 2011.

The Proclamation fixes 8 August 2011 as the day on which sections 3 to 111 of the Act commence. The Proclamation will ensure a national framework is in place without delay and also prepares for the national, industry-funded recycling scheme for televisions and computers to commence in late 2011.

Sections 3 to 111 of the Act are the operative provisions of the Act, which establishes a national framework to enable Australia to more effectively manage the environmental, health and safety impacts of products, and in particular those impacts associated with the disposal of products. The framework includes voluntary, co-regulatory and mandatory product stewardship.

The product stewardship criteria, which are basic filter criteria to help determine whether the Act can apply to a particular class of products, are contained in section 5. Sections 10 to 40 contain requirements relating to the three different types of product stewardship. The provisions on voluntary product stewardship will provide the basis for the accreditation of voluntary product stewardship arrangements. Co-regulatory product stewardship will use a combination of industry action and supporting Government regulation to achieve outcomes specified in regulations. Mandatory product stewardship may impose product stewardship obligations through regulations.

Provisions pertaining to enforcing the Act, compliance powers, reviewable decisions, protecting information connected with the Act and miscellaneous provisions including are contained in sections 41 to 111.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Consultation did not take place for this legislative instrument. However, extensive public consultation was undertaken in relation to the Act, and its development. This included publication of a consultation paper, public meetings and meetings with key stakeholder groups.