



PART 1 – GENERAL INFORMATION

NEPM Details

Title: National Environment Protection (Used Packaging Materials) Measure

Made by Council: 2 July 1999

Commencement Date: 14 July 1999 (advertised *Commonwealth of Australia Gazette* No GN 28, 14 July 1999, p 2114)

NEPM Goal (or purpose)

The environment protection goal is established by clause 6 of this Measure as follows:

6. National environment protection goal

The goal of the Measure is to reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials by supporting and complementing the voluntary strategies in the National Packaging Covenant.

Desired Environmental Outcomes

The desired environmental outcomes from the combination of the National Packaging Covenant and the Measure are to optimise resource use and recovery and encourage the conservation of virgin materials.

Evaluation Criteria

The assessment of the effectiveness of the National Environment Protection (Used Packaging Materials) Measure is based on the following criteria:

General Criteria (Specified in the NEPC Implementation Reporting Protocol)

- progress in implementing the NEPM
- compliance by parties bound by the NEPM with NEPM protocols and/or other NEPM reporting requirements
- progress toward achievement of the NEPM goal, the desired environmental outcomes and any NEPM standards
- issues arising that reflect on the efficiency and simplicity of NEPM administration.

Specific Criteria

Criteria for assessment and performance measurement of implementation of the NEPM are set out in Clause 21 of the NEPM which states that each participating jurisdiction shall provide to Council the following information:

- information gathered from brand owners whose records under clause 16 have been audited by the jurisdiction
- aggregated information received from local governments under clause 17
- information gathered through the conduct of surveys under clause 18
- information relating to complaints received, investigations undertaken and prosecutions mounted pursuant to the NEPM
- a statement of interpretation of the information.

Note: section 15(3) states that a common approach to the interpretation of data gathered pursuant to these protocols and to the terminology used with the data shall be adopted by participating jurisdictions. Furthermore, it states that the terminology used shall be in accordance with definitions set out in the NEPM as per clause 15(4).



PART 2 – IMPLEMENTATION OF THE NEPM AND ANY SIGNIFICANT ISSUES

Legislative, Regulatory and Administrative Framework

Table (11): Summary of Implementation Frameworks

Jurisdiction	Summary of Implementation Frameworks
Commonwealth	<ul style="list-style-type: none"> In territories under Commonwealth jurisdiction, implementation of the NEPM will occur through adoption of the relevant jurisdictional legislation where applicable.
New South Wales	<ul style="list-style-type: none"> Brand owner obligations are being implemented through an Industry Waste Reduction Plan (IWRP) under the <i>Waste Avoidance and Resource Recovery Act 2001</i>. Reporting by local government required under the NEPM has been implemented via existing administrative arrangements.
Victoria	<ul style="list-style-type: none"> The NEPM was adopted through the making of a <i>State environment protection policy (Used Packaging Materials)</i>, under section 16(1c) of the <i>Environment Protection Act 1970</i>.
Queensland	<ul style="list-style-type: none"> The NEPM is implemented by administrative arrangements through the <i>Environmental Protection Regulation 1998</i>.
Western Australia	<ul style="list-style-type: none"> The NEPM will be implemented through regulations under section 123 of the <i>Environmental Protection Act 1986</i>. These regulations are intended to be transferred as a consequential amendment under the draft <i>Waste Management (Consequential Provision) Bill 2002</i>.
South Australia	<ul style="list-style-type: none"> The NEPM is implemented by the <i>Environment Protection (Used Packaging Materials) Policy 2001</i>, gazetted on 19 July 2001, under section 32 of the <i>Environment Protection Act 1993</i>.
Tasmania	<ul style="list-style-type: none"> The NEPM is implemented as a State Policy under the <i>State Policies and Projects Act 1993</i>, which has been given effect by issuing an Environment Protection Notice under the <i>Environmental Management and Pollution Control Act 1994</i>.
Australian Capital Territory	<ul style="list-style-type: none"> An Industry Waste Reduction Plan has been developed to implement the NEPM, under the <i>Waste Minimisation Act 2001</i>.
Northern Territory	<ul style="list-style-type: none"> The preparation of drafting instructions for regulations under the <i>Waste Management and Pollution Control Act 1998</i> has commenced.

Council Assessment of Implementation Frameworks

Most jurisdictions have incorporated the NEPM into their regulatory frameworks.

The regulatory frameworks in place have been sufficient to encourage sign-up to the Covenant without signatories being competitively disadvantaged compared to other brand owners (ie non-signatories).



Implementation Activities

Table (12): Summary of Jurisdictional Implementation Activities

Jurisdiction	Summary of Implementation Activities
Commonwealth	<ul style="list-style-type: none"> • Implementation activities will commence in the Christmas and the Cocos Keeling Islands when the relevant regulations are made by the Western Australian Parliament. • The Commonwealth continues to provide NEPC with information on the progress of the covenant and the National Packaging Covenant Council provides a detailed annual report to Ministers.
New South Wales	<ul style="list-style-type: none"> • NSW EPA focused on: <ul style="list-style-type: none"> – updating records to remove businesses that were neither brandowners nor had sufficient market share – the use of direct mailing to identify businesses that may be captured under the IWRP/NEPM – statutory notice provisions requiring information from companies and possible prosecutions – a kerbside materials survey.
Victoria	<ul style="list-style-type: none"> • EPA Victoria has focused on: <ul style="list-style-type: none"> – collaboration with industry associations and other bodies to provide briefings on the Covenant – an audit of brand owner producers in the recycling collection system – the use of direct mailing to identify potential Covenant signatories.
Queensland	<ul style="list-style-type: none"> • Queensland EPA has focused on: <ul style="list-style-type: none"> – advising brandowners through seminars or direct mailout information kits either to join the Covenant or comply with the NEPM requirements – preparing compliance notices for brandowners who have not made a commitment under the Covenant or the NEPM – facilitating local government reporting.
Western Australia	<ul style="list-style-type: none"> • Progress on the implementation framework is continuing; Parliamentary Counsel have prepared preliminary draft regulations.
South Australia	<ul style="list-style-type: none"> • SA EPA has focused on: <ul style="list-style-type: none"> – advising brandowners through workshops and direct mailout information kits either to join the Covenant or comply with the NEPM requirements (which increased the number of signatories to Covenant from 8 last year to 68 in this reporting year) – establishing the South Australia jurisdictional recycling group who commenced ‘An Audit of Domestic Waste and Recycling Practices’ at all metropolitan and six regional councils – lodging a Cabinet–approved Action Plan for South Australia with the Covenant Council.



Jurisdiction	Summary of Implementation Activities
Tasmania	<ul style="list-style-type: none"> • Department of Primary Industries, Water and Environment has focused on: <ul style="list-style-type: none"> – surveying brandowners on their market share and contribution to the packaging waste stream with identified companies asked to join the Covenant or comply with the NEPM requirements – conducting a brandowner waste audit.
Australian Capital Territory	<ul style="list-style-type: none"> • Environment ACT has focused on ensuring that brandowners have signed the Covenant either directly or under their parent company.
Northern Territory	<ul style="list-style-type: none"> • Progress on the implementation framework is continuing, with the commencement of preparation of drafting instructions for regulations.

Council Evaluation and Assessment of Jurisdictional Implementation Activities

Several jurisdictions (New South Wales, Victoria, Queensland and South Australia) have made substantial progress, through establishing databases of possible brand owners, improving NEPM enforcement options, promoting the Covenant to brand owners and informing them of their obligations under the NEPM should they choose not to join the Covenant.

The use of direct mail techniques to identify and address potential Covenant signatories has been an efficient way of encouraging sign-up to the Covenant and maintaining a 'level playing field' between signatories and other brand owners. Several jurisdictions have set follow-up actions in place to obtain accurate information on recovery rates and on brand owner intentions to become signatories to the Covenant.

NEPC looks forward to continued progress to ensure that all brand owners with relevant activities are complying with the NEPM or the Covenant, as well as increased local government participation.

PART 3 – AND ASSESSMENT OF NEPM EFFECTIVENESS

Incorporation of the NEPM into jurisdictional legislative frameworks and increased promotion awareness of the Covenant and the effects of the NEPM amongst affected industry have encouraged brand owner participation in the Covenant; tightening of NEPM enforcement action is expected to accelerate this process.

The establishment of jurisdictional recycling groups in most jurisdictions has assisted in local government sign-up and improved industry awareness. Although

some local government support of the Covenant process is limited, the NEPM has been successful in encouraging other local governments to begin to collect data from their kerbside systems, many doing so for the first time. NEPC believes that the development of protocols for standard data collection and for the delivery of annual recycling data from waste company to local government should lead to greater efficiencies through benchmarking of both relative volumes and costs.

PART 4 – REPORTING REQUIRED BY THE NEPM

The jurisdictional reports in Part 5 contain information for each State and Territory.

Clause 12(4) states that 'for the purposes of supplying information to Council the first financial year to which clauses 16, 17 and 18 apply is the financial year commencing on 1 July 2000.' Information has been provided by jurisdictions in their individual jurisdictional reports.

PART 5 – REPORTS ON IMPLEMENTATION BY JURISDICTIONS

The individual jurisdictional reports are attached as Annexes to Appendix 6 as follows:

Annex 1: Commonwealth	page 202
Annex 2: New South Wales	page 205
Annex 3: Victoria	page 210
Annex 4: Queensland	page 213
Annex 5: Western Australia	page 215
Annex 6: South Australia	page 216
Annex 7: Tasmania	page 220
Annex 8: Australian Capital Territory	page 222
Annex 9: Northern Territory	page 224