

**National Environment Protection Council
Report on implementation of the National Environment Protection
(Used Packaging Materials) Measure
for the reporting year ended 30 June 2000**

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

Jurisdictions have worked together to devise appropriate data protocols and audit methodologies. This will allow for appropriate and consistent reporting next financial year.

Early figures are a good indication of the success of the NEPM/Covenant package: with 79 companies across the nation as at 30 June 2000 have signed up to the covenant. The first annual report to ANZECC by the National Packaging Covenant Council (expected in December 2000) will further evaluate the effectiveness of the package.

**General Information
NEPM DETAILS**

Title:	National Environment Protection (Used Packaging Materials) Measure
Made by Council:	2 July 1999
Commencement Date:	14 July 1999 (advertised in Commonwealth of Australia Gazette No GN 30, 2197)

NEPM GOAL (OR PURPOSE)

The goal of the National Environment Protection (Used Packaging Materials) Measure is set out in clause 6 of the 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 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 this measure
- a statement of interpretation of this 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, the section states that the terminology used shall be in accordance with definitions set out in the NEPM as per section 15(4).

IMPLEMENTATION OF THE NEPM AND ANY SIGNIFICANT ISSUES

This section provides a summary of jurisdictional reports on implementation, discussion of any issues of concern raised by jurisdictions, and Council's overall assessment of the implementation of the NEPM.

LEGISLATIVE, REGULATORY AND ADMINISTRATIVE FRAMEWORK

Summary of Implementation Frameworks

Jurisdiction	Implementation Frameworks
Commonwealth	<ul style="list-style-type: none"> • The <i>National Environment Protection Measures (Implementation) Act 1998</i> is the enabling legislation for implementation of this NEPM. • In its jurisdictional territories, the Commonwealth will adopt the relevant State legislation where applicable.
New South Wales	<ul style="list-style-type: none"> • The required amendments to the <i>Waste Minimisation and Management Act 1995</i> came into effect on 3 December 1999. • Brand owner obligations under the NEPM will be implemented through an Industry Waste Reduction Plan under this Act. • Reporting by local government required under the NEPM will be implemented via existing administrative arrangements.
Victoria	<ul style="list-style-type: none"> • The new section 16(1c) of the <i>Environment Protection Act 1970</i>, introduced on 26 May 1999, established a head of power for State Environment Protection Policies (SEPP) to be declared in respect of the reuse and recycling of substances. • The NEPM was adopted through the making of the SEPP (Used Packaging Materials) on 23 June 2000.

NATIONAL ENVIRONMENT PROTECTION COUNCIL

Queensland	<ul style="list-style-type: none"> • The NEPM is being implemented by administrative arrangements via amendment to the Environmental Protection Regulation 1998, which was made on 29 June 2000. • The regulation requires reporting by local government. • Responsibility for the NEPM lies with the EPA.
Western Australia	<ul style="list-style-type: none"> • The current legislative framework in Western Australia is provided by the Environmental Protection Act 1986. • A draft Waste Management Bill 2000 is being prepared.
South Australia	<ul style="list-style-type: none"> • The NEPM is automatically an Environment Protection Policy under the <i>Environment Protection Act 1993</i>. • A new regulation to assist implementation is currently under development.
Tasmania	<ul style="list-style-type: none"> • Under the <i>State Policies and Projects Act 1993</i>, a NEPM is taken to be a State policy. • Under the <i>Environmental Management and Pollution Control Act 1994</i>, this State policy will be effected through the issuing of Environment Protection Notices.
Australian Capital Territory	<ul style="list-style-type: none"> • Under the proposed legislative framework, an Industry Waste Reduction Plan is being considered as the most appropriate tool for implementation.
Northern Territory	<ul style="list-style-type: none"> • It is proposed that the NEPM be implemented under the <i>Waste Management and Pollution Control Act 1998</i> (the Act). • Implementation of the take-back requirements under the NEPM will require the development of new subordinate legislation under this Act. • The drafting of regulations under this Act has commenced.

Council Assessment of Implementation Frameworks

Jurisdictions have undertaken activities to enable the adoption of the NEPM within their administrative or legislative frameworks. In most jurisdictions, this undertaking has occurred through the major environment protection legislation and regulation or State policies. The NEPM requirements continue to be built into the activities of existing administrative bodies and systems.

IMPLEMENTATION ACTIVITIES

An Implementation Working Group was formed to assist jurisdictions with the task of implementing this NEPM. A subgroup of the Implementation Working Group (Victoria, New South Wales and Queensland) has been instrumental in finalising NEPM implementation requirements through the development of audit and survey methodologies and data collection systems.

Summary of Jurisdictional Implementation Activities

Jurisdiction	Summary of Implementation Activities
All jurisdictions	<ul style="list-style-type: none"> • All jurisdictions contributed to the activities of the Implementation Working Group.
Commonwealth	<ul style="list-style-type: none"> • The instruments of relevant States and Territories may be adopted including for Commonwealth Territories such as the Cocos Keeling Islands. • The Commonwealth sits as an observer on the Implementation Working Group and provides assistance as required.
New South Wales	<ul style="list-style-type: none"> • A draft Used Packaging Materials Industry Waste Reduction Plan was circulated to key stakeholders during May/June 2000 and has since been revised. • It is expected that the final plan will be approved in September 2000. • A database of brand owners who may be affected has been established and they will be advised when the Industry Waste Reduction Plan comes into effect.
Victoria	<ul style="list-style-type: none"> • Victoria has undertaken many activities to promote industry awareness of the Covenant/NEPM package. • Victoria has played a major role in the Covenant Business Plan and terms of reference for the Kerbside Recycling Group (KRG) and is represented on key national bodies. • It is expected that, for the information of stakeholders, the SEPP (Used Packaging Materials) will be widely distributed in August 2000.
Queensland	<ul style="list-style-type: none"> • A consultative reference network was formed with interested parties to aid drafting of the regulations and to discuss implementation issues. • The EPA and the Local Government Association of Queensland held a workshop for local councils to provide comment and input to the draft reporting form and user guide for local government.
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>, or under section 63 of the proposed Waste Management Act, as appropriate. • Drafting instructions are being prepared for regulations.
South Australia	<ul style="list-style-type: none"> • The Waste Management Committee (a subcommittee of the EPA) will hold a seminar for all South Australian companies to examine the National Packaging Covenant as a stewardship initiative.
Tasmania	<ul style="list-style-type: none"> • Draft Environment Protection Notices have been developed but are yet to be finalised and issued. • All brand owners potentially affected by the NEPM will then be given the option of joining the National Packaging Covenant. Industries that do not join the Covenant will be issued with Environment Protection Notices.
Australian Capital Territory	<ul style="list-style-type: none"> • Implementation is expected by end of 2000.
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 Evaluation and Assessment of Jurisdictional Implementation Activities

The States and Territories are making sound progress in incorporating the NEPM into their regulatory framework.

The significant additional work required to finalise NEPM audit methodologies and data collection systems is well underway and is expected to be completed by July 2000. The Implementation Working Group activities are targeted to resolve practical issues of implementation of the NEPM.

Assessment of NEPM Effectiveness

Indications are that the NEPM is an effective way to encourage the reuse and recycling of used packaging materials by supporting and complementing the voluntary strategies in the National Packaging Covenant. It would have been difficult to achieve a good outcome and to ensure that Covenant signatories were protected from competitive disadvantage through any other mechanism. At 30 June 2000, 79 companies across the nation had signed up to the Covenant.

The effectiveness of the packaging waste regime comprising the NEPM and the Covenant, can be further evaluated when the National Packaging Covenant Council submits its first annual report to the Australian and New Zealand Environment and Conservation Council (ANZECC) (expected in December 2000) and the first formal reports on the NEPM are completed. This will occur once reporting methodologies and formats under the NEPM have been agreed among jurisdictions.

Reporting Required by the NEPM

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.' No reporting is required for the financial year ending 30 June 2000.

Reports on Implementation by Jurisdictions

The individual jurisdictional reports on implementation are attached as annexes to Appendix 1 as follows:

- Annex 1: Commonwealth
- Annex 2: New South Wales
- Annex 3: Victoria
- Annex 4: Queensland
- Annex 5: Western Australia
- Annex 6: South Australia
- Annex 7: Tasmania
- Annex 8: Australian Capital Territory
- Annex 9: Northern Territory.