



Variation to the National Environment Protection (Used Packaging Materials) Measure 2010 (No. 1)

National Environment Protection Council Act 1994

The NATIONAL ENVIRONMENT PROTECTION COUNCIL makes this variation to the National Environment Protection (National Pollutant Inventory) Measure under section 22A of the *National Environment Protection Council Act 1994*.

Dated [insert date]

1 Name of Variation

This Variation is the *Variation to the National Environment Protection (Used Packaging Materials) Measure 2010 (No.1)*.

2 Commencement

This Variation commences on the day after it is registered.

3 Amendment of National Environment Protection (Used Packaging Materials) Measure

Schedule 1 amends the National Environment Protection (Used Packaging Materials) Measure 1999.

Schedule 1 Amendments

Introductory Note

Section 22A of the *National Environment Protection Council Act 1994* and the equivalent provision of the corresponding Act of each participating State and Territory enables the National Environment Protection Council to make a minor variation to a national environment protection measure. This is a variation to the National Environment Protection (Used Packaging Materials) Measure which was made by the National Environment Protection Council on 2 July 1999.

The Variation is to be implemented by the laws and other arrangements participating jurisdictions consider necessary pursuant to section 7 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory.

Extension of duration of current NEPM

[1] Clause 1 name of measure

omit

1 July 2005

substitute

[new date]

[2] Cause 2 commencement and duration

omit

30 June 2010

substitute

30 June 2011

Alignment of NEPM with Australian Packaging Covenant

[1] Clause 1 name of measure

omit

1 July 2005

substitute

[new date]

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- [2] **Clause 2 commencement and duration**
omit
terminate on 30 June 2010

substitute
continue subject to review as per clause 22
- [3] **Clause 3 definitions *brand owner* subclause (e)**
omit
- [4] **Clause 3 definitions *Covenant***
omit
National

substitute
Australian
- [5] **Clause 3 definitions *Covenant Council***
omit
National

substitute
Australian
- [6] **Clause 3 definitions *free rider***
omit
company

substitute
brand owner
- [7] **Clause 3 definitions *National Packaging Covenant***
omit

substitute
Australian Packaging Covenant means the agreement by that name
(including all schedules and annexes to that agreement) between industry
organisations and governments

-
- [8] **Clause 3 definitions *plastic bags***
omit
- [9] **Clause 3 definitions *signatory***
omit
National

substitute
Australian
- [10] **Subclause 5 (1) background**
omit
and consumer paper
- [11] **Subclause 5 (3) background**
omit
Environmental Code of Practice for Packaging

substitute
Sustainable Packaging Guidelines
- [12] **Subclause 9 (5) statutory obligations and rights**

omit
of a particular material required to be recovered and subsequently re-used, recycled or processed for energy recovery should not be arbitrary but should be established by reference to the performance targets for that particular material specified in the Covenant

substitute
of material required to be recovered and subsequently re-used, recycled or processed for energy recovery should not be arbitrary but should be established by reference to current national performance and targets specified in the Covenant
- [13] **Clause 11 exemptions/deemed compliance**
omit
 - Members of the retail sector that are fully participating signatories, or are producing equivalent outcomes, to the Australian Retailers Association Code of Practice for the Management of Plastic Bags.
- [14] **Clause 13 heading**
substitute
Dependence on Australian Packaging Covenant

[15] Clause 18 supporting data

omit

At least once every year, participating jurisdictions shall carry out surveys of packaged products sold by retailers and/or surveys of brand owners represented in materials recovery systems to ascertain the effectiveness of the Measure in preventing free riding.

substitute

At least once every year, participating jurisdictions shall ensure that surveys of packaged products sold by retailers and/or surveys of brand owners represented in materials recovery systems to ascertain the effectiveness of the Measure in preventing free riding are carried out.

[16] Clause 19 heading

substitute

Information Relating to the Australian Packaging Covenant

[17] Subclause 20 (5)

omit

be required to conduct surveys

substitute

require surveys to be conducted

[18] New Clause 22 *Review of This Measure*

insert

22. Review of This Measure

This Measure will be subject to review every five years as part of any comprehensive evaluation of the Covenant.