



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 (Used Packaging Materials) Measure under section 22A of the *National Environment Protection Council Act 1994*.

Dated 25 June 2010

I, Ian Barry Newbery, certify that the attached Variation to the National Environment Protection (Used Packaging Materials) Measure 2010 (No. 1) is the full text of the Instrument approved by the National Environment Protection Council on 25 June 2010.

Dated: 3rd Day of August 2010

Ian Barry Newbery

Acting Executive Director, NEPC Service Corporation

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.

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.

[1] Clause 1 name of measure

omit

1 July 2005

substitute

25 June 2010

[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 *consumer paper*

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 *industry*

omit
and consumer paper

[8] 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

[9] Clause 3 definitions *signatory*

omit
National

substitute
Australian

[10] Subclause 5 (1) background

omit
and consumer paper

[11] Subclause 5 (2) background (2nd dot point)

omit
and consumer paper

[12] Subclause 5 (3) background

omit

Environmental Code of Practice for Packaging

substitute

Sustainable Packaging Guidelines

[13] Clause 7 scope (3rd dot point)

omit

[14] Subclause 9 (2) (a) statutory obligations and rights

omit

consumer paper and

[15] Subclause 9 (2) (b) statutory obligations and rights

omit

consumer paper and

[16] 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

[17] 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.

[18] Clause 13 heading

substitute

Dependence on Australian Packaging Covenant

[19] 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.

[20] Clause 19 heading

substitute

Information Relating to the Australian Packaging Covenant

[21] Subclause 20 (5)

omit

be required to conduct surveys

substitute

require surveys to be conducted

[22] 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.