



## NEPC Report on the Implementation of the Used Packaging Materials NEPM

2 0 0 2 – 2 0 0 3

*‘The increase of brand owner signatories under the Covenant and increased local government participation have enhanced the capacity of the NEPM to optimise resource use and recovery.’*



## 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 NEPM 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: Clause 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 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

This part 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

*Table (11): Summary of Implementation Frameworks*

Jurisdiction	Summary of Implementation Frameworks
Commonwealth	<ul style="list-style-type: none"> <li>For the Commonwealth, the NEPM is only likely to apply in the Cocos (Keeling) Islands and Christmas Island. When Western Australian legislation comes into force, it will implement the NEPM in these external territories.</li> </ul>
New South Wales	<ul style="list-style-type: none"> <li>Brand owner obligations are being implemented through an Industry Waste Reduction Plan (IWRP) under the <i>Waste Avoidance and Resource Recovery Act 2001</i>.</li> <li>Reporting by local government required under the NEPM has been implemented via existing administrative arrangements.</li> </ul>
Victoria	<ul style="list-style-type: none"> <li>The NEPM was adopted through the making of the State environment protection policy (Used Packaging Materials), under section 16(1c) of the <i>Environment Protection Act 1970</i>.</li> </ul>
Queensland	<ul style="list-style-type: none"> <li>The NEPM is implemented by administrative arrangements through the Environmental Protection Regulation 1998.</li> </ul>
Western Australia	<ul style="list-style-type: none"> <li>The NEPM will be enforced through the Environmental Protection (NEPM Used Packaging Materials) Regulations 2003 under section 123 of the <i>Environmental Protection Act 1986</i>.</li> </ul>
South Australia	<ul style="list-style-type: none"> <li>The NEPM is implemented by the Environment Protection (Used Packaging Materials) Policy 2001, under the <i>Environment Protection Act 1993</i>.</li> </ul>
Tasmania	<ul style="list-style-type: none"> <li>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>.</li> </ul>
Australian Capital Territory	<ul style="list-style-type: none"> <li>An Industry Waste Reduction Plan has been developed to implement the NEPM, under the <i>Waste Minimisation Act 2001</i>.</li> </ul>
Northern Territory	<ul style="list-style-type: none"> <li>The option of developing new subordinate legislation under the <i>Waste Management and Pollution Control Act 1998</i> is being considered.</li> </ul>

### Council assessment of Implementation Frameworks

Most jurisdictions have incorporated the NEPM into their regulatory frameworks. These frameworks have contributed to an increase in signatories to the Covenant.



## Implementation activities

*Table (12): Summary of Jurisdictional Implementation Activities*

Jurisdiction	Summary of Implementation Activities
Commonwealth	<ul style="list-style-type: none"> <li>• The Commonwealth continues to provide NEPC with information on the progress of the covenant.</li> <li>• The National Packaging Covenant Council provides a detailed annual report to NEPC.</li> </ul>
New South Wales	<ul style="list-style-type: none"> <li>• NSW EPA focused on:               <ul style="list-style-type: none"> <li>– updating records to remove businesses that were neither brand owners nor had sufficient market share</li> <li>– the use of direct mailing to identify businesses that may be captured under the IWRP/NEPM</li> <li>– statutory notice provisions requiring information from companies and possible prosecutions</li> <li>– a kerbside materials survey.</li> </ul> </li> <li>• Fourteen non-compliant businesses were brought to the attention of the EPA and follow-up action has occurred.</li> </ul>
Victoria	<ul style="list-style-type: none"> <li>• EPA Victoria focused on:               <ul style="list-style-type: none"> <li>– collaboration with industry associations and other bodies to provide briefings on the Covenant</li> <li>– following up Covenant signatories who have failed to submit action plans</li> <li>– an audit of brand owners in the recycling collection system</li> <li>– the use of direct mailing to identify potential Covenant signatories.</li> </ul> </li> </ul>
Queensland	<ul style="list-style-type: none"> <li>• Queensland EPA has focused on:               <ul style="list-style-type: none"> <li>– advising brand owners through seminars or direct mail-out information kits either to join the Covenant or comply with the NEPM requirements</li> <li>– preparing compliance notices for brand owners who have not made a commitment under the Covenant or the NEPM</li> <li>– facilitating local government reporting.</li> </ul> </li> <li>• Following the development of a protocol for the delivery of annual recycling data from waste companies to local government, a number of seminars were given to local government officers on standard data collection practice.</li> </ul>
Western Australia	<ul style="list-style-type: none"> <li>• It is expected that the Environment Protection (NEPM Used Packaging Materials) Regulations 2003 will be gazetted in July 2003.</li> </ul>
South Australia	<ul style="list-style-type: none"> <li>• SA EPA advised brand owners through workshops and direct mail-out information kits either to join the Covenant or comply with the NEPM requirements (which increased the number of signatories to the Covenant from 68 last year to 78 in this reporting year).</li> <li>• Container Deposit Legislation continued to play a major role in achieving the goal of the NEPM and has been enhanced with the extension of such legislation to a wider range of beverage containers.</li> <li>• The SA Jurisdictional Recycling Group released 'An Audit of Domestic Waste and Recycling Practices'.</li> </ul>



Jurisdiction	Summary of Implementation Activities
Tasmania	<ul style="list-style-type: none"> <li>• Twenty Tasmanian-based companies have signed the Covenant and produced action plans. Two companies that joined the Covenant are yet to prepare adequate action plans and warning letters have been sent to them.</li> <li>• An environment protection notice has been drafted under the <i>Environmental Management and Pollution Control Act 1994</i> and is ready to be implemented should companies not meet the Covenant requirements.</li> </ul>
Australian Capital Territory	<ul style="list-style-type: none"> <li>• Environment ACT has focused on ensuring that brand owners have signed the Covenant either directly or under their parent company.</li> </ul>
Northern Territory	<ul style="list-style-type: none"> <li>• A Litter Abatement and Resource Recovery Strategy has been developed which aims, primarily through grants to local government, communities and businesses to:             <ul style="list-style-type: none"> <li>– improve litter and recycling services particularly in regional and remote communities</li> <li>– provide better regulatory mechanisms to reduce litter and increase recycling</li> <li>– obtain better information to target initiatives and monitor their performance.</li> </ul> </li> </ul>

### Council evaluation and assessment of Jurisdictional Implementation Activities

The use of direct mail techniques to identify and address potential Covenant signatories continued to be an efficient way of encouraging sign-up to the Covenant. Most jurisdictions have conducted follow-up activities to ensure that brand owners submit action plans and comply with the requirements of the Covenant.

Some jurisdictions have undertaken audits to identify brand owners represented in the kerbside recycling collection system and the kerbside waste stream. Other jurisdictions have developed enhanced data standardisation protocols.

The activities undertaken by the jurisdictions demonstrate the continued progress towards achieving the desired environmental outcome of the NEPM. In particular, the increase of brand owner signatories and increased local government participation have enhanced the capacity of the NEPM to optimise resource use and recovery.

### PART 3 — AND ASSESSMENT OF NEPM EFFECTIVENESS

The incorporation of the NEPM into jurisdictional legislative frameworks and increased promotion and

awareness of the Covenant and the NEPM have encouraged brand owner participation in the Covenant.

The increased number of brand owner signatories under the Covenant demonstrates that the NEPM has been successful in encouraging sign-up. The Covenant continued to prove attractive to potential signatories as a more flexible option for them to address the environmental impacts of their product packaging and activities.

The continued collection of kerbside data by local governments has led to more data on waste streams, which provides valuable information for measuring the success of the NEPM in achieving its goal.

### 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 the first and subsequent years in their individual jurisdictional reports.



## **PART 5 — REPORTS ON IMPLEMENTATION BY JURISDICTIONS**

---

The Annexes to this report are in Appendix 6:

Annex 1: Commonwealth	page 187
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