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Australian Government  
Department of Agriculture, Water and the Environment

Via survey upload facility

### **Used Packaging Materials NEPM and the Australian Packaging Covenant review**

Thank you for the opportunity to provide feedback on the *Consultation Paper – Review of the UPM NEPM and Australian Packaging Covenant*. Local councils and their communities continue to bear the bulk of the cost of collecting, recycling and disposing of used packaging, rather than brand owners.

Without clear KPIs, collection of reliable data and transparent reporting there is little confidence that the current co-regulatory arrangements are operating well and achieving their goals. Indications are these arrangements have delivered very little improvement over their life time, although more recently there appears to have been a more concerted effort by the Australian Packaging Covenant Organisation (APCO). The current arrangements are unlikely to achieve the National Packaging Targets nor the National Waste Policy Action Plan targets. Nor do they encourage or measure re-use, an important goal component of the NEPM. A more mandatory approach should be considered, based on extended producer responsibility, that includes targets for material circularity.

The Used Packaging Materials NEPM net for free riders – the regulatory side of this co-regulatory scheme - has been ineffective. In NSW a statutory basis to recognise the Covenant has been established along with obligations for liable brand owners in Part 8 of the *Protection of the Environment Operations (Waste) Regulation 2014*. However there has been no reporting on enforcement or investigation activities and no reporting of liable brand owners' performance. This approach appears to be similar in other states. The NSW Government's involvement with APCO and the implementation of its *Waste Less Recycle More* initiative is not considered by local government to be an alternate regulatory response to implementing Part 8 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

The local government kerbside recycling system is the dominant collection and processing system for household used packaging. Household packaging is still being used that is theoretically recyclable yet not able to be processed through this system, with no recycling alternative provided. Brand owners of this packaging could be levied to enable the development of appropriate collection, processing and recovery infrastructure.

Better collection systems are required for soft plastics. Improved collaboration and synergies between liable brand owners, the waste industry, councils and householders are required to meet the targets and deliver a closed loop system for household packaging. The recycling challenges faced by rural and remote households should also be addressed.

The costs of collecting and processing household recycling ready for remanufacture, and the costs of landfilling recycling when it cannot be recovered, continue to rise and be borne by ratepayers through the Domestic Waste Charge. It is time for brand owners to take responsibility for their used packaging across the life cycle to reduce environmental impacts and the financial impacts on councils while supporting a 'circular economy' for used packaging.

Please don't hesitate to contact Susy Cenedese, Strategy Manager – Environment on (02) 9242 4080 or [susy.cenedese@lgnsw.org.au](mailto:susy.cenedese@lgnsw.org.au) if you would like to discuss any of the issues raised.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kelly Kwan', with a stylized flourish at the end.

Kelly Kwan  
**Executive Manager Advocacy**