

# Waste Management and Resource Recovery (Environment Protection—Used Packaging Materials) Code of Practice 2020

Disallowable instrument DI2020–256

made under the

Waste Management and Resource Recovery Act 2016, s 60 (Codes of practice—approval)

## EXPLANATORY STATEMENT

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Section 60 of the *Waste Management and Resource Recovery Act 2016* provides that the Minister may approve codes of practice in relation to a waste activity.

The instrument commences on the day after notification.

The *Environment Protection (Used Packaging Materials) Code of Practice* (the Code of Practice) was prepared by ACT NoWaste in the Transport Canberra and City Services Directorate in consultation with the Environment, Planning and Sustainable Development Directorate, the Australian Packaging Covenant Organisation (APCO), and the Commonwealth Department of Agriculture, Water and the Environment. ACT NoWaste has also participated as an observer in APCO Government Officials Group working groups, engaging in cross-jurisdictional conversations regarding a harmonised approach to the regulation of the *National Environment Protection (Used Packaging Materials) Measure 2011* (the UPM NEPM) across Australia.

**Preface** provides background information about the national and ACT regulatory context for used packaging materials. This includes information on the National Environment Protection Measures, the UPM NEPM, and the Australian Packaging Covenant (the Covenant).

**Definitions** provides definitions for terms used within the Code of Practice.

**Background** outlines the different commitments made by all Covenant signatories, packaging chain signatories, and local government signatories. It also provides information on the overarching goal of the UPM NEPM, the National Environment Protection Goal.

**Purpose** outlines the reasons for embedding the UPM NEPM in ACT legislation.

**Objectives** lists the objectives of the Code of Practice.

**Scope** advises that the Code of Practice is limited to the recovery, re-use and recycling of used consumer packaging materials and outlines relevant legislation and policies that brand owners should consider in conjunction with the Code of Practice.

**Application of the Code of Practice** details who the Code of Practice applies to.

**Obligations** lists the overarching obligations for brand owners to recover, re-use and recycle packaging materials according to the UPM NEPM.

**Targets** provides information on the targets that brand owners must work towards. Targets 1, 2 and 4 are consistent with the ACT Waste Management Strategy 2011-25 and the National Packaging Targets, and contribute to the National Waste Policy Action Plan 2019. Target 3 is consistent with the ACT Waste Management Strategy 2011-25.

**Requirement 1** details the obligation for brand owners to prepare and submit a waste action plan to the Territory. It outlines what the brand owners must include in the waste action plan. It also provides guidelines for the Territory to approve the waste action plan and the steps that must be followed if a proposed waste action plan does not comply with the Code of Practice.

**Requirement 2** outlines the obligation for brand owners to provide annual reporting information to the Territory, which enables the Territory to fulfil the National Environment Protection Council reporting requirements outlined in “Information supplied by the Territory” below. It provides details on the data and information that brand owners must record about their packaging materials, how often they must report this information, who they must make this information available to, and the length of time that they must hold these records.

**Enforcement of the Code of Practice** refers to information about enforcing the Code of Practice which is available in section 61 of the *Waste Management and Resource Recovery Act 2016*. It outlines what constitutes a failure to comply with the Code of Practice, what information might be included in a written direction, and the penalties which apply for non-compliance.

Enforcement of this Code of Practice will be undertaken by the Waste Regulation team (or equivalent) in ACT NoWaste, Transport Canberra and City Services Directorate.

**Confidentiality** outlines the circumstances in which the Territory may release commercially sensitive information.

**Information supplied by the Territory** sets out protocols of how the Territory will assess the performance of the Code of Practice and report annually to the National Environment Protection Council on the progress towards the goal of the UPM NEPM. Details of the goal are provided in the previous section titled “National Environment Protection Goal”.

**Dependence on the Covenant** details the circumstances in which the Code of Practice will have no effect.