

The logo for 'horizon futures' is located in the top left corner. It features a stylized yellow and white circular graphic above the text 'horizon' and 'futures' stacked vertically. The background of the entire page is a photograph of the Sydney Harbour Bridge and the Sydney Opera House, with a decorative overlay of white circles of various sizes on the left side.

horizon  
futures

# AUSTRALIA 2024

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Packaging Legislative Analysis

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# 1. Extended Producer Responsibility (EPR)

The regulatory base for EPR in Australia is outlined in the National Environment Protection (Used Packaging Materials) Measure 2011 (NEPM). This obligates companies selling or producing packaged goods in Australia that have an annual turnover exceeding AUD 5 million, to design more recyclable, compostable or reusable packaging. It also underpins the work of APCO, which is to promote shared responsibility, recycling and circular economy.

There are two options for regulatory compliance for obligated companies:

- Become a voluntary signatory to APCO and a Brand Owner Member of APCO
- Meet compliance obligations under the NEPM

Obligated companies (referred to as Brand Owners in the NEPM) As defined in the NEPM, are defined as follows:

- A person who is the owner or licensee in Australia of a trademark under which a product is sold or otherwise distributed in Australia, whether the trademark is registered or not
- A person who is the franchisee in Australia of a business arrangement which allows an individual, partnership or company to operate under the name of an already established business
- In the case of a product which has been imported, the first person to sell that product in Australia
- In respect of in-store packaging, the supplier of the packaging to the retailer
- In respect of plastic bags, the importer or manufacturer of the plastic bags or the retailer who provides the plastic bag to the consumer for the transportation of products purchased by the consumer at the point of sale.

If obligated companies choose to meet obligations by submitting to direct regulation under the NEPM, **there are prescriptive requirements that must be met for all consumer packaging materials, as dictated by regulations in the jurisdictions in which the packaging is sold or distributed. These obligations cover the following:**

**The recovery of used packaging materials**

**The re-use, recycling or energy recovery of packaging materials**

**Demonstrating that the recovered materials have been re-used or exported**

**Demonstrating that reasonable steps have been taken to advise consumers on how the packaging is to be recovered**

**Recording and reporting on the above obligations**

**Responsibility for enforcing the NEPM falls to the Commonwealth, State and Territory governments in relation to companies operating within specific jurisdictions.**

The table below illustrates a summary of the implementation frameworks, targets specified for non-Signatories to the Covenant, and enforcement provisions in each jurisdiction<sup>1</sup>:

Jurisdiction	Framework of implementation	Targets for non-Signatories to the Covenant	Enforcement provisions
Commonwealth	Section 7 of the NEPC Act requires the Commonwealth to implement the NEPM in respect of companies with over 50% government ownership such as Australia Post.	Targets specified	
South Wales	EPM is implemented by the Environment Protection (Waste) Regulation	For all material used in packaging sets up to and including 30 June 2021, 100% of new and existing packaging must be reviewed using Sustainable Packaging Guidelines	Penalty provisions are included in the implementing Regulations
Victoria	EPM is implemented by the Environment Protection Regulations 2021	For all packaging materials must be covered.	Penalty offences are included in the Environment Protection Regulations
Tasmania	EPM is implemented by the Environmental Protection (NEPM-Regulations 2013).	For all packaging materials must be covered.	Penalty provisions are included in the Regulation.
Western Australia	EPM is implemented by the Environmental Protection (NEPM-Regulations 2013).	Priority targets are differentiated by material type: Aluminium 75%; Glass 80%; Paper and cardboard 80%; PET 85%; HDPE 60%; PET 60%; plastics 35%	Penalty provisions are included in the Regulations.
Queensland	EPM is legally enforced by the Environment Protection (Packaging Materials) Policy	Targets specified	Penalty offences are included in the Environment Protection Policy.
South Australia	EPM is a state policy under the State Policies and Projects Act	Targets specified.	State Policies and Projects Act established that breach of a state policy is a criminal offence.
ACT	EPM is implemented by the Waste Management and Resource Recovery (Environment Protection-Used Packaging)	Targets specified for brand owners	Waste Management and Resource Recovery Act 2016 requires that failure to

<sup>1</sup> Product Stewardship Amendment (Packaging and Plastics) Bill 2019 Submission 25 (PDF download)





	<p>(als) Code of Practice 2020, under the Waste Management and Resource Recovery Act 2016.</p>	<p>reusable, recyclable or sustainable packaging by 2025</p> <p>source recovery by 2025.</p> <p>packaging to landfill by 2025</p> <p>average recycled content in packaging by 2025</p>	<p>with a Code of Practice is a criminal offence.</p>
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**Companies that become a signatory to APCO, commit to the following:**

**Work to achieve the overarching targets established under the Covenant.**

**Produce and report on public action plans with measurable actions that will deliver improved environmental outcomes appropriate to production, usage, sale, recovery and/or reprocessing of consumer packaging.**

**Work co-operatively to develop good practice collection systems and markets, and education and promotion programmes.**

**Provide data to assess the performance of the Covenant and progress towards the national environment protection target.**

**Once an APCO signatory, members must submit an action plan proposing company approach and commitments to contribute to the APC's overall aim and meet the APCO targets. This involves members submitting an annual report through the online ART (Annual Reporting Tool) detailing their performance against their action plan.**

# Appendix



## Introducing aura

### About Us

At the heart of our business is a sheer fascination with packaging and the impact it has on our world. Packaging's relationship with the environment is complex and we work with true ethical partners to educate, unite like-minded thinkers and share knowledge.

A global business, the reference point for packaging sustainability, utilising knowledge and data to provide the justification required to drive positive change.

### Services

Our expertise falls into three categories designed to deliver a strategic programme focused on the sustainability goals of our clients. These services are supported by a multi-disciplinary team made up of packaging, sustainability, technology and retail experts committed to making a measurable difference every day.

#### Consulting – Pioneering Packaging Strategy

We are packaging sustainability pioneers committed to true partnerships, focused on the delivery of mutual goals.

Our breadth of packaging sustainability knowledge across substrates, design, technical packaging, legislation, and recyclability allows us to evolve strategies to make a measurable difference both now and in the future.

Our Consultants build road maps for global change, our Technical Engineers develop specifications to refine the impact of your packaging and our Supplier Success Managers are on hand to assist with client education, communications and engagement.

As a result, we will deliver a robust strategy compliant with your sustainability goals aligned to current and future legislation.



## Technology – Managing Sustainability Everyday

We provide live data and control to deliver the accurate information you require to make real time decisions that impact your business and our planet.

**e-halo** is an unrivalled packaging sustainability platform combining state-of-the-art technology with consulting services, designed to manage the changing landscape of global packaging legislation, compliance, and sustainability commitments.

**e-halo** provides packaging component data at a granular level, making sustainable packaging part of everyday decision making.

**e-halo** manages compliance to evolving legislation and recyclability requirements with a comprehensive reporting suite allowing for real-time measurement against your business and sustainability targets.

## Insights – Data Driven Decisions

We utilise knowledge and data to provide the justification required to drive positive change.

**Data Management** – We interact with digital information every day. We gather, check, manage and translate data into valuable insights that our clients can use to measure and motivate positive change.

**Horizon Futures** – We offer horizon scanning services for global packaging legislation across 54 countries and for this we are unique. We interpret legislation rather than just quoting a legal directive, to help you understand the current and future packaging landscape. We then consider how emerging trends might potentially affect current policy and practice, enabling our clients to take a longer-term strategic approach to packaging sustainability.





## Our Management Team

We are packaging sustainability pioneers committed to true partnership, which means to us a relationship focused on the delivery of the mutual goals of our business and that of our clients.

### **Visionary**

Pioneering strategies which educate, unite and influence change

### **Responsible**

Real-time data drives the changes needed to positively impact our planet

### **Honest**

Decisions are informed, and our communications are authentic

### **Collaborative**

Ethical Partnerships unify our mutual goals to create a vision fit for the future



**Greg Lawson**  
Managing Director



**Gillian Garside-Wight**  
Consulting Director



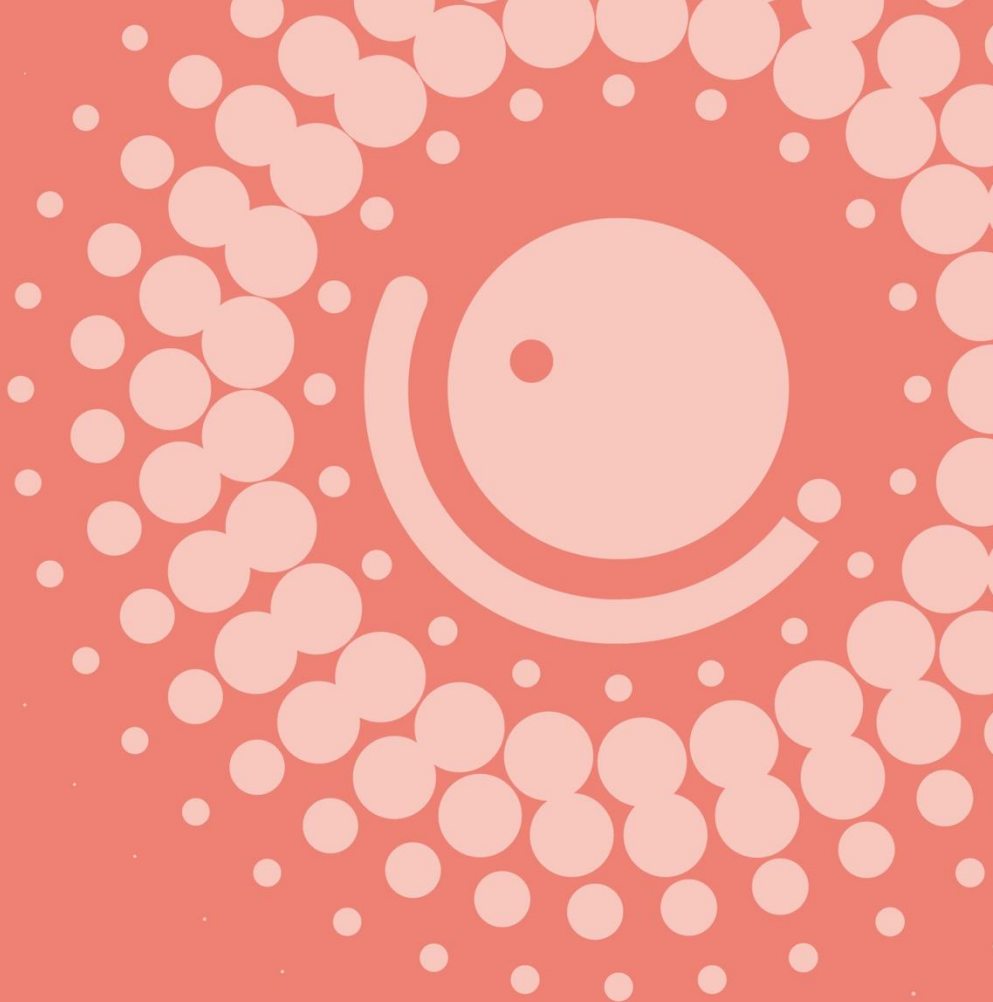
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Operations Director



**Trevor Yong**  
Business Development Director



Thank you from Team Aura