



**CONSERVATION
COUNCIL**
ACT REGION

Submission: Exposure Draft Plastic Reduction Bill 2020

September 2019

The **Conservation Council ACT Region** is the peak non-government environment organisation for the Canberra region. We have been the community's voice for the environment in the Canberra region since 1979. Our mission is to achieve an ecologically sustainable and zero net carbon society through advocacy, education, research and engagement with the community, the private sector and with government.

We represent more than 45 member groups who in turn represent over 15,000 supporters. We harness the collective expertise and experience of our member groups and networks. We work collaboratively with Government, business and the community to achieve the highest quality environment for Canberra and its region.

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Introduction

The Conservation Council ACT Region welcomes the opportunity to comment on the Exposure Draft of the Plastic Reduction Bill 2020.

The Conservation Council acknowledges that plastic can play an important role in our society as a uniquely malleable, cheap, adaptive and variable product. We rely on plastic in its various forms every day – in our homes and offices, in construction and technology.

However, problematic and unnecessary use of plastic must be addressed and this legislation is a useful start.

Problematic single-use plastics contribute to plastic pollution in our oceans, waterways and landscapes, posing threats to wildlife, especially through residual micro-plastic particles, which are readily absorbed by plants and animals and disseminated through the food chain. Plastic pollution in the ACT can have detrimental downstream impacts on other ecosystems and ultimately contributes to the global plastic pollution problem.

In the ACT, the use of plastic also contributes to our ecological footprint. The manufacture of plastic requires the burning of fossil fuels and use of rapidly diminishing resources, contributing to the climate crisis and overuse of our natural resources at a rate that is unsustainable for a safe and liveable future. The only way to significantly reduce the impact of single-use plastic is to avoid using it in the first place. Recycling solutions may still be required to be put in place, however avoidance and replacement with alternative products where suitable is by far the more sustainable approach.

As outlined in our contribution to the Discussion Paper in 2019, the Conservation Council supports the introduction of legislation to regulate the use of problematic single-use plastics, however urges that the Government maintains momentum on adding additional products to the first tranche of products initially identified, and sets an ambitious agenda to add products under the legislative framework so as to phase out a range of products, including plastic takeaway food containers, straws, newspaper wrapping, fresh fruit and vegetable wrapping and single-use table cloths by 2023.

The ACT has the opportunity to be a national and international leader in tackling plastic pollution by laying out an ambitious agenda over the longer-term that tackles the systematic and cultural issues of cutting our use of plastic.

Exposure Draft Plastic Reduction Bill 2020

Implementation timeline

The Conservation Council supports commencing implementation of the legislation on or soon after July 2021. It is our understanding that other jurisdictions will be proceeding with the implementation on stated dates of mid-2021, and while we acknowledge that retailers haven't seen finalised legislation, the sector has been given clear warning that legislation is imminent. We would urge the Government to proceed with tabling and debating the Bill as soon as is feasible to give final clarity on the first tranche (which is a limited range of products). We would also urge the Government to consider adding new products under the legislation as quickly as possible, even if the commencement date for these provisions is 12 months away, so as to provide clear guidance to retailers and other businesses.

Part 1 Clause 8 - Objects of the Act

While we support the stated Objects of the Act, they could be strengthened by clarifying that the impacts of plastics on the environment extend to those in production and post-consumption.

Part 2 Clause 8(1) - Meaning of prohibited plastic product

Clause 8 (1) defines prohibited plastic products. The Conservation Council supports this definition, and would urge the Government to extend the number of products included under the legislation to include a range of other problematic single use plastics as soon as possible. For short-medium term consideration we would add to this list:

- **Water in plastic bottles** – tap water is readily available and consumers can easily carry water bottles with them. The sale of water could be restricted to larger containers such as 2L or more to reduce the amount of inappropriately disposed drink bottles. Consideration could also be given to regulating other drink containers, although manufacturers are moving back to using glass bottles which are fully recyclable.
- **All reusable plastic bags above 35 microns** - including boutique bags (ie. heavy grade 'reusable' plastic bags used for clothes, books, appliances etc) 'green bags', 'biodegradable' bags. Carry bags can be made of fabric such as cotton or nylon, last for many years, pack up small in people's bags, and carry considerable weight. Many retail outlets such as clothing shops are already using paper bags instead of plastic boutique bags.
- **Takeaway food containers** - with more and more meals being consumed from take-away outlets and restaurants every day, the consumption of plastic takeaway containers is considerable. While some consumers may re-use these containers, they generally have a limited life and are thrown away after the meal is finished. Alternative products are available (see above) however these might initially come at a higher cost to businesses. In addition, it will be important to ensure that the waste stream is able to recycle these containers appropriately. An alternative option is that consumers are able to bring their own food containers to purchase takeaway food.

Restricting the use of plastic takeaway food containers should be a medium term objective for the ACT Government, with an emphasis placed on preparing the waste stream for alternative products.

- **Take-away sauce containers (eg. tomato / soya sauce)** – should be banned in the short-medium term. Small sauce pods are included with takeaway meals but are difficult to recycle due to their size. Sauce can easily be added at the point of sale or at home if food is home delivered.
- **Plastic wrapping of fruit and vegetable portions** - Supermarkets have increasingly begun pre-preparing fruit and vegetable portions for consumers, such as half a pumpkin or a bag of pre-chopped vegetables. In some circumstances, plastic packaging is being used to designate the purchase size, such as a serve of six apples. While many of these serves are likely to be packaged outside the ACT, the ACT could send a strong signal to the national producers that such packaging is wasteful and generally unnecessary by preventing the sale of such products in ACT supermarkets. Retailers / producers could apply for exemptions where it is considered integral to the quality of the product to use plastic packaging and where no alternative packaging is easily available. (Referenced below in definitions in legislation)
- **Soft plastic wrap on home-delivered newspapers:** Newspapers themselves have a generally short life, and only occasionally get caught in the rain. The weekly distribution of “unsubscribed” newspapers to every house in Canberra wrapped in soft plastic should be banned. The current practice results in decomposing newspapers put in landfill bins, or otherwise households left separating the soft plastic from the paper before disposal.
- **Balloons:** the ACT should regulate the release of balloons into the environment as has been done in Queensland. There are alternative ways to celebrate special occasions without releasing balloons. Balloons should not be distributed at public events as they often end up as litter and the sticks and small parts are not easily recyclable.
- **Single-use plastic tablecloths:** should be banned at all public events as alternatives are easily available. Restaurants should also be banned from using single-use plastic tablecloths.
- **Straws** - acknowledging that single use straws play an important role for some members of the community, and that implementation of any ban on distribution would need to take this into account.

The Conservation Council recommends that the ACT Government develop a time-lined strategy to phase out all of the above items, giving consideration to the environmental impact, any inadvertent consequences of regulating, community understanding, behaviour and expectation, and the availability of alternative products or behavioural changes that render the items unnecessary.

Part 2 Clause 8(5) - Definitions

Australian Standard for compostable products

Clause 8(5) provides a definition of compostable that aligns with the Australian Standard for compostable and home compostable products. The Conservation Council supports these definitions and welcomes their use across jurisdictions to provide clarity on suitable alternative products for suppliers, retailers and consumers.

Barrier bag definition

Clause 8(5) provides a definition of a barrier bag, a product not listed in the first tranche. However, the definition could be by-passed by retailers for specific products, and perhaps could be tightened up to include “barrier wraps” - sheets of plastic used to wrap meat produce in before being wrapped in paper. These products should be considered as an inclusion under the definition of “barrier bag” otherwise the Bill may risk extending the use of these products to bypass the legislation in the future.

The Definitions under Clause 8(5) related to expanded polystyrene containers states that a “container that is not an integral part of the packaging in which food or beverages are sealed before retail supply” are not included in the definition. The definition goes on to give two examples of the non-inclusions. The first example (prepackaged noodles) is consistent with the direction of the Bill inasmuch as it addresses products that are likely to be packaged at the point of manufacture, rather than at the point of sale. However, the second example is related to products that could well be packaged at the point of sale, and are more easily influenced by ACT legislation. The concern is that this example leaves the door open for ACT retailers to increase their in-store or local packaging of goods. This could be utilised as a way to bypass other requirements under the legislation, and fails to send a message to local retailers about unnecessary in-store packaging. While the example mentions meat, the same packaging could reasonably be applied to fruit and vegetables under the legislation.

The definition of plastic bags under Clause 8(5) raises the same concern. A ‘single-use plastic bag’ doesn’t not include a plastic bag that is “an integral part of the packaging in which the goods are sealed before sale”. This clause does not make clear any difference between products that are sealed in the manufacturing process or that might be sealed in store. Again, this could potentially leave the way open to bypass requirements in the legislation.

The legislation fails to address local in-store packaging requirements and this is a missed opportunity. While there are additional complexities around legislation in this space, and while we acknowledge that big suppliers would have an advantage over smaller outlets due to produce being packaged out of state and at the point of distribution, it is clearly generally unnecessary to package fruit and vegetables for sale from supermarket outlets, as it is unnecessary to pre-package other items in plastic bags for sale. For many products, paper products could be used to replace plastic bags, and could be utilised in-store at the point of sale.

Single-use plastic bags

The Conservation Council does not support the exemption on compostable plastic bags under the definition of single-use shopping bag. Even bags that meet the Australian standard for compostable pose a significant risk when released into the environment, and plastic bags, whether compostable or not, are at high risk of being released into the environment. The conditions required to break many compostable bags down, while present at municipal and industrial aerobic composting facilities, do not occur in terrestrial or

aquatic nor home composting environments, and bags can still break down into smaller pieces and cause environmental damage. While the ACT does not have such a facility, it is difficult to argue that there is any role for compostable single-use plastic bags, and further discussion would be required with stakeholders to determine the best way forward with regards to appropriate uses of compostable bags in the future (eg. compostable bags will play an important role in city-wide food and organic waste collection).

Part 4 Clause 14 - Declaration of public events

Clause 14(2)(c) states that the Minister may only make a declaration to declare a public event plastic free if the declaration will not have an unreasonable financial impact on the event.

It is unclear what an “unreasonable financial impact” would constitute, and whether this impact is diminished if the load of the impact is spread amongst several parties. The determination of “unreasonable” is highly subjective, as it relates to the value placed on not using plastics as well as the value of changing products, and individuals and businesses would have differing perspectives on this. In addition, it is unclear how the financial impact would be “on the event” - it would more likely impact the suppliers and retailers, although could be passed onto the event goers through increased charges for products (however in that case it is highly unlikely it could be counted as significant, as the costs would be spread amongst many people.) While we understand the purpose of the clause as a decision-making point for the Minister, the inclusion of this clause could mean event declarations may be contested.