

WASTE REDUCTION AND RECYCLING (PLASTIC ITEMS) AMENDMENT BILL 2020

Department of Environment and Science – Response to key issues raised in written submissions

List of submitters

Submission No.	Submitter	Submission No.	Submitter
1	Ms Wendy Wallin	8	Sunshine Coast Environment Council
2	Mr Joe Kelly MP, Member for Greenslopes	9	Environmental Health Australia (Queensland) Incorporated (EHA – Qld)
3	Waste Management and Resource Recovery Association of Australia (WMRR)	10	Local Government Association of Queensland Ltd (LGAQ)
4	Wildlife Preservation Society of Queensland	11	National Retail Association (NRA)
5	Plastic Bag Free Livingstone (now Plastic Free Living)	12	Blake Young
6	Boomerang Alliance	13	Sea Shepherd Australia
7	Capricorn Conservation Council		

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Comments received and the Department of Environment and Science's response

The Department of Environment and Science (the department) thanks all those individuals and organisations that took the time to provide written submissions to the Health and Environment Committee's (the Committee) inquiry on the Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020 (the Bill). The department's responses to each key issue raised is provided below according to the topic area.

Topic: Support for the ban.

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	1	Ms Wendy Wallin (individual) supported the ban however considered that plastic dome lids posed a greater threat and should be banned ahead of expanded polystyrene (EPS) takeaway food containers and cups due to their impact on wildlife.	<p>Thirteen written submissions were received by the Committee during the submission timeframe. All submissions supported the Queensland Government's proposal in the Bill to ban the supply of single-use plastic items, starting with stirrers, straws, cutlery and plates.</p> <p>Expanded polystyrene (EPS) takeaway food containers and cups:</p> <ul style="list-style-type: none"> • nine of the submissions supported the inclusion of EPS takeaway food containers and cups in the initial items to be banned • three of the submissions were silent on banning EPS • one submission considered plastic dome lids should be banned before polystyrene. <p>The department thanks the submitters for their support of the single-use plastic items ban.</p>
	2	Mr Joe Kelly MP, Member for Greenslopes conducted a survey of his constituents, with 89% of survey respondents supporting the ban.	
	3	Waste Management and Resource Recovery Association of Australia (WMRR) supported the ban, including EPS. WMRR recommends the prevention of the generation of single-use plastic products, consistent with the waste hierarchy.	
	4, 5, 6, 8, 10, 11	Wildlife Preservation Society of Queensland, Plastic Bag Free Livingstone (now Plastic Free Living), Boomerang Alliance, Sunshine Coast Environment Council, Local Government Association of Queensland (LGAQ) and National Retail Association (NRA) - all support the ban including expanded polystyrene (EPS) takeaway food containers and cups in the first tranche.	
	13	Sea Shepherd Australia is supportive of the ban to include expanded polystyrene (EPS) takeaway food containers and cups in the first tranche. However, they also supported a range of proactive initiatives including: <ul style="list-style-type: none"> • increase of public water bubblers / water stations • banning of smoking on beaches • expanding education programs (signage in multiple languages at recreational fishing hotspots) • signage at beaches to take rubbish home • ban on the sale of products containing microbeads - following the Australian Government's commitment to introduce regulation in 2018 if the voluntary phase out was not effective • mandatory extended producer responsibility. 	

Topic: Further items to be banned

Clause no.	Sub no.	Summary of key points in submission	Department's response
General 1			
	1	<p>Ms Wendy Wallin recommended inclusion of plastic dome lids as a priority ahead of polystyrene. In addition, Ms Wallin recommended banning plastic ring seals, rubber bands, hair ties and now face mask loops.</p> <p>Ms Wallin considers that plastic dome lids meet the criteria for inclusion in the ban as alternatives currently exist and this product can be avoided.</p>	<p><u>Decision to include specified single-use plastics</u></p> <p>The items identified in the Bill as banned single-use plastic items were highlighted in <i>Tackling Plastic Waste – Queensland's Plastic Pollution Reduction Plan</i> (the Plan) as part of the first stage of a proposed ban.</p>
	2	<p>Mr Joe Kelly MP from a survey of his constituents recommended the following top five items to be banned as:</p> <ol style="list-style-type: none"> 1. excess supermarket / food packaging, particularly fruit packaging 2. takeaway food containers 3. polystyrene and other non-recyclable items 4. all plastic drink containers (water, milk, soft drink bottles) and 5. Heavyweight plastic bags (like used in supermarkets). <p>Survey responses also recommended banning supermarket bonus toys (eg. minis, ooshies).</p>	<p>These items were also identified in the Consultation Regulatory Impact Statement, which was open for public consultation between 13 March 2020 and 30 April 2020.</p> <p>Single-use plastic straws, stirrers, plates and cutlery were identified as suitable for a ban because:</p> <ul style="list-style-type: none"> • the use of these single-use plastic items can, in many circumstances, be avoided in the first instance • they have a high degree of consumption in Queensland • litter surveys consistently list them in the top 10 of littered items
	2, 4, 5, 6, 7, 8, 12	<p>Many of the submissions proposed inclusion of the following items as part of future regulations:</p> <ul style="list-style-type: none"> • Coffee cups and lids • Other plastic cups • Heavyweight plastic shopping bags • Condiment sachets and plastic wrapping • Helium balloon releases • Helium to inflate balloons • Water balloons • Mylar balloons • Plastic coated signage 	<ul style="list-style-type: none"> • they are not recyclable and can contaminate recyclable items collected through kerbside collection services • there are a range of suitable alternatives available as replacements • there is a high level of community and business support for action on these items as a starting point • a number of food and retail businesses have already committed to a voluntary phase out of items such as straws, stirrers and cutlery.

		<ul style="list-style-type: none"> • Plastic balloon sticks • Plastic barrier bags • Cotton buds with plastic sticks • Paper wipes 	<p><u>Expanding ban to other products</u></p> <p>Following the Bill's first introduction to Parliament on 15 July 2020, the Bill was referred to and considered by the Natural Resources, Agricultural Industry Development and Environment (NRAIDE) Committee.</p> <p>The NRAIDE Committee recommended in their report to Parliament that expanded polystyrene be included in the initial ban.</p> <p>The Bill makes provision for additional items to be prescribed in regulation as banned items, following the public consultation process stated in section 99GC(3) (Clause 5).</p> <p>The Plan flags consultation on items including coffee cups, expanded polystyrene takeaway food containers, expanded polystyrene and other plastic cups and oxo-degradable plastics as the next stage.</p> <p>Although submissions during consultation on the Regulatory Impact Statement supported the addition of other items to the list of banned items, further consultation on those specific items is necessary to ensure that all impacted parties are engaged in the process.</p> <p>Consultation on including expanded polystyrene (EPS) in the proposed ban occurred between 30 November 2020 and 15 January 2021. As with the earlier consultation, results from the recent consultation have similarly demonstrated strong public and business support for the inclusion of specific EPS items (takeaway food containers and cups) in the initial ban proposed to commence no earlier than 1 September 2021.</p>
	5	Plastic Free Livingstone also sought the inclusion of bait bags and little plastic fish bottles (soya sauce fish containers).	
	5, 6, 8, & 13	Many submissions included recommendations to ban oxo-degradable products without exemptions.	
	5, 6, 7, 8	Boomerang Alliance and three other organisations recommends that a specific list of items for inclusion in the second tranche of legislation are identified by Government that includes coffee cups and lids, other plastic cups and packaging in takeaway items such as wrappers, (eg. plastic wrappers, sushi packaging), heavyweight shopping bags (up to 70 microns).	
	6, 8	<p>Further recommendations from Boomerang Alliance and Sunshine Coast Environment Council included cigarette butts. These items are reported to comprise nearly 20% of all litter in the latest Clean Up Australia litter data.</p> <p>Further recommendation was for banning plastic cigarette filters as these can be replaced with reusable filters; requiring financial contributions to clean up efforts or stricter policing and enforcing of littering.</p>	
	10	Local Government Association of Queensland (LGAQ) recommends a phased withdrawal of shelf ready products, in consultation with industry.	
	10, 13	Local Government Association of Queensland (LGAQ) and Sea Shepherd Australia recommended the inclusion of Extended Producer Responsibility – suggesting that state and federal governments should establish the necessary policy and legislative frameworks for the effective implementation of extended producer responsibility.	

	13	<p>Sea Shepherd Australia recommended shopping / carrier bags >35 microns including biodegradable bags, as well as balloon attachments, clips, cups, discs, ribbons, and bait bags and glitter including those labelled as biodegradable should also be banned.</p> <p>Sea Shepherd Australia made a recommendation on the sale and manufacture of products containing microbeads as the voluntary deadline to phase these products out was over two years ago (July 2018) and has not been fully implemented.</p>	<p>Action 14 from <i>Tackling Plastic Waste – Queensland’s Plastic Pollution Reduction Plan</i>, states that the Queensland Government will prepare and publish a draft ‘priority statement’ for oxo-degradable plastics. However, it should be noted that the definition of plastic item contained in the Bill already bans items made from oxo-degradable plastic - or any other type of plastic that does not meet the criteria as a compostable plastic.</p> <p><u>Heavyweight plastic shopping bags</u></p> <p>Heavyweight plastic shopping bags were not included as part of the first stage of banned items as there is considerable work currently underway on these items.</p> <p>The Queensland Government is leading work with other jurisdictions, in partnership with the National Retail Association, on a voluntary national retailer Code of Practice for Sustainable Shopping Bags that focuses on avoiding plastic bag use in the first place and, where a plastic bag must be used, committing to a minimum recycled content target.</p> <p><u>Balloons</u></p> <p>In relation to balloons, the department administers the <i>Waste Reduction and Recycling Act 2011</i> (the Act) and undertakes compliance for littering and illegal dumping offences.</p> <p>The department also promotes behaviour change and education and awareness to help reduce the littering (including the release of balloons) and increasing awareness of the impacts of litter and the responsibilities of all Queenslanders and visitors.</p> <p>Educational materials are publicly available on the Queensland Government’s website. Several local governments across Queensland have also enacted local laws specifically preventing the release of balloons at outdoor events.</p>
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Topic: Exemptions included / to be included in the ban

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	2, 3, 4, 6, 10, 11	Several submissions supported the exemptions to allow specific businesses to supply otherwise banned items in order to meet the needs of people with disability or healthcare needs.	<p><u>Sector exemptions: healthcare, disability and schools</u> The review of the ban will consider how different sectors and community groups have been affected, including the availability of single-use plastics for the healthcare and disability sectors, and the voluntary uptake of alternative items in schools.</p> <p><u>Shelf-ready products</u> The decision to provide exemptions for otherwise banned items where they are part of a pre-packaged product, such as a juice box, was made due to the need to better understand whether there are suitable and readily available alternatives for these items.</p> <p>The exemption allows the Queensland Government to work with brand owners and organisations such as the Australian Packaging Covenant Organisation to identify suitable and sustainable alternatives and to link into implementation of the National Packaging Targets that 100% of Australia packaging is reusable, recyclable or compostable by 2025, including the phase-out of unnecessary and problematic plastic packaging.</p> <p>Actions by brand owners and manufacturers, as well as the Australian Packaging Covenant Organisation, will form part of the review of the ban to commence two years after the ban starts.</p>
	2	Mr Joe Kelly MP raised the issue of plastic cutlery required to prevent self-harm for some healthcare institutions.	
	3, 4, 5, 6, 7, 8	Waste Management and Resource Recovery Association of Australia and many of the other organisations didn't support an exemption for shelf-ready products from the ban. Many considered that this will add to public confusion about banned products and that suitable alternatives already exist and are available.	
	10	Local Government Association of Queensland recommended that there be a phased withdrawal of attached plastic straws and cutlery, in consultation with industry.	
	11	However, the National Retail Association did support an exemption for shelf-ready products. This was for the requirement for these items enabling consumption of the product away-from-home. Further to its consideration was that there are limited alternatives available at this point in time which can withstand heating or freezing or, for juice box straws, that are sharp enough to pierce the box but still safe for children to use.	
5	3	Waste Management and Resource Recovery Association of Australia doesn't support including schools in the exemption as is identified in section 99GD(3) (Clause 5).	
	5, 6, 7, 8, 11	Plastic Free Livingstone and Boomerang Alliance were in agreement with others who supported the inclusion of the exemption for products that meet the Australian Compostable standards (AS5810 / AS4736).	

			<p>Schools</p> <p>Schools are identified as exempt businesses recognising that some students, teachers and other staff may have healthcare and disability needs that require the continued provision of single-use plastic items such as straws and cutlery.</p> <p>The department understands that school children are often the strongest advocates for change and messaging for schools during the implementation phase can be targeted at avoidance where possible. Assistance can also be provided to assist with sourcing suitable alternatives.</p>
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Topic: Commencement of the ban

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	3	<p>Waste Management and Resource Recovery Association of Australia supports a 1 July 2021 commencement date.</p> <p>However, it was noted that a minimum six month period (no more than 12 months) is required for a transition period, including programs and initiatives such as education and communication, to occur and to allow time for businesses to use existing stock and source new suppliers ahead of any start date.</p> <p>Further recommendation was made for the second tranche of banned items to be written into the Bill, recommending this be in line with the two year review. This timing would provide businesses with sufficient notice of further items to be banned.</p>	<p>While 90% of submissions received during the initial consultation on the Regulatory Impact Statement supported a start date of 1 July 2021, the Bill provides flexibility in the commencement of the ban, with the amendments to commence by Proclamation.</p> <p>Following reintroduction and acknowledging the request from stakeholders for a minimum lead time of six months following passage of the Bill, the Queensland Government is proposing to commence the ban no earlier than 1 September 2021.</p>
	5, 6, 8	<p>Plastic Free Living, Boomerang Alliance and Sunshine Environmental Council support a start date of July 2021 or earlier, with no additional transitional period.</p> <p>They further suggest a start date of the second tranche within 12 months of the enabling legislation - by 2022.</p>	<p>This recognises that businesses who have been impacted by the COVID-19 pandemic may still have large quantities of these items in stock and allows business recovery to be monitored and assessed.</p>
	4	<p>Wildlife Preservation Society of Queensland recommended July 2021 for commencement of the ban, acknowledging considerations of the impacts of COVID-19. However, it was considered that sufficient time and awareness of the ban had already been provided to the impacted sectors.</p>	<p>This helps avoid any additional cost imposed on businesses in having to replace these items but also dispose of them.</p>
	7	<p>Capricorn Conservation Council recommended that the ban commence in the third quarter of 2021, considering that this timeframe provides the retail and hospitality sectors with sufficient time.</p>	<p>The proposed commencement date also needs to recognise potential supply chain issues as there may be delays in sourcing alternative items and the proposed date of 1 September 2021 (or later), supported by a comprehensive education and awareness campaign</p>
	10	<p>Local Government Association of Queensland supports commencement from July 2021 with suitable transition period to exhaust existing stocks.</p>	<p>acknowledges this advice.</p>

	11, 13	National Retail Association and Sea Shepherd Australia support 1 September 2021 commencement; however, noting that there may be supply chain complications with COVID-19 restrictions. Suggest consideration for exhausting existing stocks to avoid quantities ending up in landfill.	
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Topic: Education and awareness

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	1, 2, 9, 10, 11	Ms Wendy Wallin, Local Government Association of Queensland and National Retail Association all supported an education and awareness campaign, stating that education was essential and should be delivered in conjunction with the ban.	<p>The importance of education and awareness playing a critical role is acknowledged in effecting successful behavioural change as a key supportive mechanism to implementing legislation. It is also acknowledged that the education campaign around single-use plastics will need to incorporate information on appropriate disposal of single-use plastic items that are not compostable.</p> <p>An extensive engagement and awareness program is currently being developed in conjunction with the representatives of the Single-use Plastic Items Stakeholder Advisory Group. The consultation process for the inclusion of expanded polystyrene (EPS) that ran between 30 November 2020 and 15 January 2021 further increased awareness of the proposed ban.</p> <p>The results of the more than 400 retailer and hospitality sector surveys undertaken in December 2020 further identified key messages that will be incorporated in the sectoral messaging, collateral and engagement activities to be provided which can be targeted and adapted to suit various audiences, including being delivered in multiple languages and through local community networks to increase the reach of the campaign.</p> <p>The Queensland Government is investing behaviour change programs that seek to reduce litter and illegal dumping in regional areas over the long-term. The department is also currently developing a new Litter and Illegal Dumping Plan for Queensland which sets out</p>
	2	Mr Joe Kelly MP suggested that cafes and restaurants needed to accept containers from customers to further reduce these items.	
	3	Waste Management and Resource Recovery Association of Australia recommended that further consultation is required for other items to be banned. Further stating that community education, communication and facilitation of sourcing and the use of alternative products is required.	
	8	Sunshine Coast Environment Council stated that a prominent education program was needed and an understanding that more industrial composting facilities need to be established. Further strong recommendation was made on the difference of various compostable labelled products. Many products can only be composted in commercial facilities, which are not readily available.	
	9	Environmental Health Australia (Queensland) stated that a campaign is needed to inform the community about non-recyclable items to reduce contamination of recycling streams.	
	13	Sea Shepherd Australia submitted that education programs are required, suggesting initiatives such as education signage in multiple languages at recreational fishing hotspots, increased signage at beaches relating to cigarette butts (which they report are the number one item removed from the Sea Shepherd marine debris campaign clean ups and the top item littered in Queensland and Australia).	

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
			<p>additional actions that strengthen the work already being undertaken to address the serious environmental damage caused by litter and illegally dumped waste.</p> <p>This approach is similar to the successful engagement process for the lightweight single-use plastic shopping bag ban.</p> <p>There is also potential to link into existing school programs to provide curriculum resources that promote understanding of the impacts of plastic waste and pollution broadly as well as specific information about the ban and banned items.</p>

Topic: Other – Alternative products

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	2	<p>Mr Joe Kelly MP presented concerns raised through a survey of his constituents regarding some paper straws containing glue derived from wheat and the impact of these products for people allergic to wheat.</p> <p>Further raised by Mr Joe Kelly MP was the expense in going plastic free.</p>	<p>The Bill defines compostable plastic as plastic that is compostable under either AS4736 (industrial composting) or AS5810 (home composting). Using these Australian Standards (and not other suggested standards) provides manufacturers, distributors and consumers with clear information on the suitability of substitute products as an alternative to single-use plastics. Each standard sets out the maximum concentration of contaminants including heavy metals allowed in the product for it to be deemed compostable and has required testing applicable to Australian conditions.</p> <p>The Bill also provides for the chief executive (of the department) to require certification from a manufacturer or supplier about the information provided in relation to compostability. To help avoid confusion, engagement will be undertaken with manufacturers and suppliers to ensure the provision of consistent information.</p>
	5	<p>Plastic Free Living recommended seeking alternatives to plastic fishing line to be sourced and promoted to protect sea/marine life.</p>	
	11	<p>National Retail Association recommended that the exemptions for certified compostable plastic remains as certified compostable options such as those lined with polylactic acid (PLA) are the only viable and safe alternatives for many businesses. For example, the only alternative bowl to withstand heat and liquid is fibre (cardboard or bagasse) lined with bioplastic film such as PLA.</p> <p>However, this option presents issues such as lids dislodging due to heat/steam pressure and may present spill/burn risk. The Government and business need to work together to ensure viable/safe alternatives are developed and available.</p> <p>Further raised was that alternatives such as paper, bamboo or wood options are often more expensive and there are limited sustainable options in Australia. These factors leave retailers with limited choice and less competitive prices.</p>	

Topic: Other – Compliance / Regulation; Collection services and investment; Definitions

Clause no.	Sub no.	Summary of key points in submission	Department's response
General			
	10	Local Government Association of Queensland stated that compliance monitoring and surveillance activities should be coordinated as a State Government responsibility.	The department's preferred approach to compliance is through education and awareness in the first instance. Enforcement action is seen as a final option where proactive measures have not been successful. More information about the department's compliance and enforcement approach is available on its website at https://environment.des.qld.gov.au/management/compliance-enforcement
	11	National Retail Association noted the regulatory implications for suppliers not just retailers.	
	11	National Retail Association supported additional waste collection services, and increased scrutiny and investment in waste, composting and recycling infrastructure.	<p>The Queensland Government has funding opportunities through the Resource Recovery Industry Development Program which aims to assist and promote the investment in waste, composting and recycling infrastructure.</p> <p>Organic waste is one of the priority areas for action under the Waste Management and Resource Recovery Strategy due to the significant contribution of organic waste to the waste stream, the potential environmental and economic impacts associated with disposal of organic waste, and the identified beneficial uses for this material.</p> <p>The department is currently developing an action plan relating to organic waste, which will identify and prioritise key actions from avoidance through to improved end-use management. Existing and future infrastructure needs, including food and garden organics collection (FOGO) and other source separated collection systems, will be considered during the development of actions relating to organic waste.</p>
	11	National Retail Association recommended further clarity on the definition of banned items as required, particularly with bowls and plates, with respect to lidded bowls and the size requirements of a banned plate distinguishing it from a platter.	In its previous submission provided in support of this submission the National Retail Association recommends extensive community and business education to prepare consumers and businesses for the ban. Small food businesses

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General			
			<p>and those in regional or remote areas will need specific attention to avoid impacts. The National Retail Association emphasises that education should start as soon as legislation is passed.</p> <p>The Queensland Government acknowledges the importance of the Stakeholder Advisory Group and welcomes the advice which can be incorporated into clear education and awareness as a key supportive mechanism to implementing legislation.</p> <p>The department will work with the Stakeholder Advisory Group to deliver messaging at appropriate intervals, including following passage of the Bill, in the lead up to commencement of the ban, and after the ban's commencement.</p>
	9	Environmental Health Australia (Queensland) suggested the ban encourages manufacturers to innovate to produce product designs for sustainable alternatives.	Like the lightweight single-use plastic shopping bag ban, these changes are likely to drive innovation across all affected areas. Innovation may result in solutions to challenges around the cost and availability of the alternatives.
	3	Waste Management and Resource Recovery Association of Australia recommended that manufacturers need to focus on product re-design in line with the waste hierarchy.	The waste hierarchy is a key concept of the Waste Management and Resource Recovery Strategy, and avoidance and reuse principles must be considered when designing or introducing new products.