



Committee Secretary
Natural Resources, Agricultural Industry Development and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: nraidec@parliament.qld.gov.au

29 July 2020

Dear Sir/Madam

Re: Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020

The Waste Management and Resource Recovery Association of Australia (WMRR) welcomes the opportunity to provide feedback on the *Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020*. WMRR is the peak national body for the \$14 billion essential waste and resource recovery industry. We have more than 2,000 members representing over 500 individual entities nationally that operate across a broad range of business organisations, the three (3) tiers of government, universities, and NGOs.

The sector drives jobs – employing up to 50,000 people – and investment in the economy, and WMRR's purpose is to lead the success of this essential industry while ensuring that the environment and community are protected through the safe and responsible management of waste. WMRR acknowledges the actions taken by the state government to-date in its commitment to reducing plastic waste in the environment, including its ban on single-use plastics bag and the introduction of its Containers for Change program.

WMRR supports the use of regulation in reducing single-use items, including plastics and agrees that the focus should be on preventing the generation of these items in the first place, in order to drive a shift in behavior, including (but not limited to) towards options further up the waste management hierarchy. Nationally, WMRR has been consistently advocating for greater emphasis on product (including packaging) design, focusing first and foremost on avoiding the creation of waste, in particular hard-to-recycle items made with problematic materials.

The draft Bill considers a broad range of feedback and concerns raised by stakeholders, including the waste and resource recovery industry. WMRR acknowledges and supports the provision in the Bill for additional items and products to be prescribed in regulation, following a consultation process prior to regulations being made.

WMRR also notes that the Bill includes several general inconsistencies with the types of banned items and application of the ban with other jurisdictions and commends the state government for considering the need to remove confusion and streamline obligations for national operators.

WMRR has a few further recommendations we hope the committee would consider:

- WMRR supports the 1 July 2021 start date and the provision within the Bill for these amendments to potentially commence by proclamation; WMRR agrees that this allows for flexibility of the start date and ensures there is not undue impost on businesses that may still be impacted from COVID-19 restrictions. However, it is vital that a minimum six (6)-month (no more than 12 months) transition period is required, including programs and initiatives such as community education, communication, and facilitation of the sourcing and use of alternatives.

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- WMRR does not support the exemption of single-use plastic items that are part of a shelf-ready product from the ban. As noted in WMRR's previous submission on the *Single-use Plastic Items Consultation Regulatory Impact Statement*, providing an exemption to manufacturers of shelf-ready packaged products could in effect provide an opportunity to avoid firstly, being responsible producers and secondly, thinking about redesign which is key in building a circular economy.
- WMRR agrees that exempt businesses should include those that undertake healthcare services, including disability services, hospitals, medical clinics, and pharmacies; in essence, the businesses listed in 99GD(3). However, exemptions should only be made in the event that there are persons who require single-use plastic products (e.g. straws) due to a disability or medical requirement; experience in other jurisdictions tends to indicate that demand for over-the-counter single-use items is not as high as possibly expected, often due to the fact that bespoke items are often used (due to heat, etc.), which will be brought by the user. WMRR recommends that the state government articulates and develops specific pathways and options for the disposal of these materials, including clear, standardised labelling that indicates how these materials should be disposed of, to ensure that while volumes are minimal, single-use plastics that are exempted will not be discarded in a way that compromises the health of ecosystems. Additionally, a well-communicated education campaign should be developed to encourage users of these materials to bring along and use reusable options (e.g. metal straws, bamboo cutlery, etc.).
- WMRR does not agree that schools should be captured in section 99GD(3); schools should not be allowed to distribute, sell, or use banned plastic items unless it is to persons who require these products due to a disability or medical requirement. School aged children can be the champions of this initiative with so many also currently participating in initiatives such as *nude food* (eliminating single-use packaging in lunch boxes), and this should be continued to be encouraged.
- Greater clarity is sought on point 99DG(2)(b) that states that subsection (1) does not apply to the sale of a banned single-use item if the person selling the item "reasonably believes the sale is a step in a supply chain for the supply of the item to a person who conducts an exempt business or undertaking". This approach is not supported given that it would be difficult to enforce and disprove "reasonable belief". It is recommended that Queensland looks to the approach taken in the South Australian Bill at section 7(3): "It is a defence to a charge of an offence under [subsection \(1\)](#) if the person is not a prescribed person and proves that they believed on reasonable grounds that the product was not a prohibited plastic product." This puts the emphasis on the seller to ensure and demonstrate that they have considered destination and legality.
- WMRR believes the proposed penalties for businesses that sell banned single-use plastic items or provide false or misleading information about banned items and/or whether or not a product is compostable need to be reviewed and should be the same as South Australia. The current penalty rate of a maximum of 50 units (where one penalty unit is \$133.45 as at 1 July 2019) may not sufficiently deter illegal practices and should increase if people and/or businesses re-offend.

Please do not hesitate to contact the undersigned if you would like to discuss WMRR's submission further.

Yours sincerely

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