



30 July 2020

Dr Jacqui Dewar
Committee Secretary
Natural Resources, Agricultural Industry Development and Environment Committee
Parliament House
George Street
Brisbane Qld 4000

Email: NRAIDEC@parliament.qld.gov.au

Dear Dr Dewar

Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020

The LGAQ welcomes the opportunity to provide feedback on the the *Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020* introduced on 15 July and referred to the Natural Resources, Agricultural Industry Development and Environment Committee.

Local Government has a strong interest in this matter from a number of perspectives - as a service provider, regulator and as a community representative. Councils remain a strong advocate for change in relation to single use plastic items.

Local government commitment to tackling plastic pollution is underpinned by advocacy and action on waste management and resource recovery and its support for the container refund scheme and the banning of single use plastic bags.

Queensland councils support the phasing out of plastic straws and other single-use plastic items as highlighted by resolutions of the 2018 LGAQ Annual Conference.

This position is complemented by support for plastic free events with a plastic-free guide developed in partnership with Boomerang Alliance that provides a foundation for plastic free council events.

As a member of the stakeholder advisory group, the LGAQ can attest to strong support for this legislation and for broadening legislation to include expanded polystyrene (EPS) products such as takeaway containers and coffee cups.

Local councils are encouraged by the State Government commitment to this important agenda and support a legislated ban on single-use plastics in tackling plastic pollution.

Should you require further assistance in relation to this submission, please contact Robert Ferguson, Lead – Public Health and Waste [REDACTED] or via email at [REDACTED]

Yours sincerely

Greg Hallam AM
CHIEF EXECUTIVE OFFICER



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Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020

*Submission to the Natural Resources, Agricultural
Industry Development and Environment Committee*



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The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland.

It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

Executive Summary

The local government sector is a key provider and manager of waste operations and infrastructure in Queensland and more broadly across Australia.

These essential operations represent a significant investment in the provision of waste infrastructure and services by councils and make a substantial contribution to regional economies and the communities they service.

Queenslanders currently produce over 11 million tonnes of waste per year with Queensland councils managing and operating more than 450 waste facilities including landfill sites, transfer stations and resource recovery facilities. In addition to the management of critical infrastructure, local councils deliver more than 150 million 'red', 'yellow' and 'green' lid services offered as a one, two or three bin collection service to over 91% of Queensland households each year.

As the sphere of government with the long-standing responsibility for the stewardship of waste management across Australia, local councils stand ready to partner with the State Government and industry to advance the LGAQ vision of a zero-waste future by 2035.

Local government commitment to tackling plastic pollution is underpinned by its leadership through advocacy and action in this area with its strong policy position around waste management and resource recovery, and its support for the container refund scheme and ban on single use plastic bags. Queensland councils continue to demonstrate their support to phase out plastic straws and other single-use plastic items as highlighted by resolutions from the 2018 LGAQ Annual Conference.

This exemplary leadership is further complemented by local government support for plastic free events with the compilation of a plastic free council events guide developed in partnership with Boomerang Alliance that now provides the foundation for plastic free council events across Queensland.

Local government is encouraged by the State Government commitment to progress this important agenda and supports the introduction of a legislative ban on single-use plastic items to meet the challenge in tackling plastic pollution.

Of concern, the legislation remains silent on the treatment of expanded polystyrene (EPS) products. In response to the *Single Use Plastic Items Consultation Regulatory Impact Statement* (CRIS) of March 2020 there has been unprecedented stakeholder support for the inclusion of EPS products including take away containers and coffee cups in the legislative ban.

In correspondence dated 12 June 2020, stakeholder advisory group members wrote to the Honourable Leeanne Enoch, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts expressing universal support for inclusion of EPS in the proposed legislation.

For Queensland to remain a leader in responding to single-use plastic items as recently reported in *The State of Plastics in Australia 2020* publication released by WWF, it would be a retrograde step to not incorporate EPS as an integral pillar of the current tranche of legislative amendments.

The LGAQ maintains the following positions:

Recommendation 1: The LGAQ supports a legislated ban on single-use plastic items to tackle plastic pollution in conjunction with a coordinated state-wide education and awareness campaign.

Recommendation 2: The LGAQ recommends the Natural Resources, Agricultural Industry Development and Environment Parliamentary Committee (Committee) considers the inclusion of expanded polystyrene (EPS) items (including takeaway containers and coffee cups) in a legislated ban on single-use plastic items to align with other State jurisdictions.

Recommendation 3: The LGAQ supports a legislative ban on single-use plastic items from July 2021 with a suitable transition period to exhaust existing stocks.

Recommendation 4: The LGAQ supports exemptions for the use of plastic straws to meet the needs of people with a disability or healthcare requirement.

Recommendation 5: The LGAQ recommends the Committee considers the phased withdrawal of attached plastic straws and cutlery. These items should be phased out in consultation with industry.

Recommendation 6: The LGAQ recommends that compliance monitoring and surveillance activities are coordinated as a State Government responsibility.

1. Introduction

The LGAQ welcomes the opportunity to provide feedback on the *Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020* introduced into the Queensland Parliament on 15 July 2020 and referred to the Natural Resources, Agricultural Industry Development and Environment Committee.

Local Government has a strong interest in single use plastics from a number of perspectives, as a service provider, regulator and as a community representative. Councils remain a strong advocate for change in the legislative treatment of single use plastic items.

As a member of the State Government single-use plastics stakeholder advisory group, the LGAQ can attest to the strong support within the group for legislative changes to ban single use plastic items.

LGAQ Policy

The LGAQ's Policy Statement 2019 is the definitive statement of the collective voice of local government in Queensland. The statement articulates the position of local government in relation to a number of pertinent issues.

5.4.5 Extended Producer Responsibility

5.4.5.1 Local government strongly supports the principle and introduction of Extended Producer Responsibility.

5.4.5.2 The state and federal governments should establish the necessary policy and legislative frameworks for the effective implementation of Extended Producer Responsibility.

5.4.7 Recycling

5.4.7.1 Local government is strongly committed to the introduction of economically, environmentally and socially sustainable recycling schemes.

5.4.7.2 Local government supports the removal of regulatory barriers which unnecessarily restrict the wide implementation of economically, environmentally and socially sustainable recycling schemes.

5.4.7.3 Local government strongly supports the principle of the integration of waste management from 'cradle to grave', especially with a focus on those waste minimisation options at the top of the waste management hierarchy: waste avoidance and reduction, and materials re-use and recycling.

5.4.7.4 Local government supports the development of expanded markets for recyclables through influencing government policy and committing to promoting and marketing recycled products.

5.4.8 Packaging

5.4.8.1 The reduction of excess packaging and introduction of recyclable packaging materials and processes is strongly encouraged by local government.

5.4.8.2 Local government supports the Australian Packaging Covenant and encourages the state government to continue to support the Covenant with appropriate funding and legislation.

5.4.10 Plastic Bag Bans

5.4.10.1 Local government supports the ban on the sale of single use lightweight plastic shopping bags in Queensland.

These policy positions reinforce Queensland local governments' commitment towards the values and intent of the waste hierarchy including waste avoidance and reduction, materials re-use and recycling, market development and alternative waste technologies.

In addition, Queensland councils at the LGAQ Annual Conference 2018 committed to phase out plastic straws and other single-use plastics from council operations and events.

The following resolution was overwhelmingly carried.

That the Local Government Association of Queensland:

1. *Support Queensland local governments to commit to phase out plastic straws and other single-use plastic items from council operations and events; and*
2. *Lobby the State Government to develop a state-wide local communities and industry transition away from single-use plastic items.*

2. Response to the *Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020*

The LGAQ has consulted with Queensland councils that are actively engaged in a range of waste management, litter reduction and resource recovery activities.

The following comments and recommendations are provided to assist the Committee with their detailed consideration on the introduction of a legislative ban on the use of single-use plastic items.

2.1 Policy options

Success in achieving a reduction in single use plastics in the environment is reliant on key actions including:

- a fundamental shift in the way we use plastic
- design standards for plastic consumer items
- phasing out key single-use plastic items.

The LGAQ has considered the options previously identified and included in the *Single Use Plastic Items Consultation Regulatory Impact Statement* (CRIS) released on 13 March 2020 and provides the following response.

The CRIS explored options including maintaining the status quo, improving litter and clean-up infrastructure, non-regulatory approaches, education and awareness and a legislated ban.

The proposed legislation reflects the strong commitment of the Single Use Plastic Items Stakeholder Advisory Group (SAG) for comprehensive community and industry education and awareness underpinned by a ban on single-use plastic items.

2.2 Local Government leadership

Voluntary reduction and product stewardship in this area has led to limited improvements in sustainable packaging design. Although there has been incremental progress, local government has not until recently seen leadership from government and industry in achieving a timely response to plastic packaging challenges.

It is encouraging to see the leadership from business and industry groups reflected in local initiatives including *Plastic Free Noosa* <https://www.plasticfreeplaces.org/noosa> where over 200 local businesses and 20 events across Noosa are working to eliminate the use of single use plastics.

The introduction of legislation will complement the leadership shown by councils and industry groups in responding to this challenge.

2.3 Support for legislative ban

A ban on the sale of certain single use plastic items will provide certainty to industry in relation to community attitudes on the use of single-use plastics.

Local government supports a legislated ban on the supply of single use plastic straws, stirrers, plates and cutlery underpinned by consumer education and awareness campaigns.

The LGAQ recognises that a legislated ban places additional responsibilities on producers, distributors and business owners, but feels these are manageable and will lead to a measurable reduction of volumes and costs associated in managing litter.

A State government education and awareness campaign will be instrumental in community and industry acceptance of a ban on single use plastic items.

Recommendation 1: The LGAQ supports a legislated ban on single-use plastic items to tackle plastic pollution in conjunction with a coordinated state-wide education and awareness campaign.

2.4 Scope of legislative bans

A ban initially on single-use plastic straws, stirrers, cutlery and plates and in the longer term on coffee cups, other plastic items and heavyweight shopping (subject to special needs such as disability) has been identified as the most effective way to reduce plastic litter and plastic pollution.

Expanded polystyrene

The proposed legislation is silent on the treatment of expanded polystyrene (EPS) products. LGAQ views this as a significant omission.

EPS items are a particularly problematic litter as they fragment easily and do not decompose. Alternative packaging options are available with minimal increases to production costs.

The LGAQ can attest there is strong stakeholder and community support for the inclusion of polystyrene cups and containers such as “clam shells” in the first tranche of the legislative ban.

The inclusion of polystyrene would be consistent with the directions underway in several state jurisdictions. NSW published in March 2020 the discussion paper *Cleaning up our Act: Redirecting the future of Plastic in NSW*. The paper highlighted the range of single-use items posing risks to our environment through the litter stream that are not easily recoverable or recyclable and could be produced with other materials. These include:

- disposable plastic plates/bowls, cutlery, cups, stirrers and some other single-use food service items
- expanded polystyrene food and beverage containers
- plastic straws
- heavier/boutique plastic bags
- oxo-degradable plastics.

Jurisdictions including South Australia and the ACT are also having discussions on the banning of polystyrene products.

It is disappointing that EPS has not been included in the first tranche of the proposed single use plastic items legislation.

The Bill makes provision for additional items and products to be prescribed in regulation, following a consultation process prior to regulations being made. Consultation on items including coffee cups, polystyrene and other plastic cups and oxo-degradable plastics will commence in late 2020.

This LGAQ questions the explanatory notes (page 5) in relation to the banning of expanded polystyrene products in other jurisdictions. Other States are moving in the direction of banning EPS.

*While the Bill is specific to the State of Queensland, and is not uniform with legislation of the Commonwealth or another state, there are consistencies between the items banned in Queensland and the announcements made in the Australian Capital Territory and the legislation introduced on 20 April 2020 in South Australia. This includes **general consistencies** with the type of banned items and application of the ban. This consistency is necessary to remove confusion and streamline legislative obligations for national operators.*

Recommendation 2: The LGAQ recommends the Committee considers the inclusion of expanded polystyrene (EPS) items (including takeaway containers and coffee cups) in a legislated ban on single-use plastic items to align with other jurisdictions.

Timeframes for a legislative ban

The commencement of a ban from July 2021 does provide sufficient time for businesses to adapt. However, additional transitional leeway may be needed subject to the views of key industry representatives.

In the current COVID 19 environment, a range of competing priorities could potentially impact on the timely consideration of these legislative bans.

Recommendation 3: The LGAQ supports a legislated ban on single-use plastic items from July 2021 subject to consideration of a suitable transition period to exhaust existing stocks.

Exemptions for people with a disability or health care needs

The LGAQ supports exemptions for the use of plastic straws to support people with a disability or other healthcare needs.

The compatibility statement states:

The Bill places obligations on a person operating a business, to not sell or supply a banned single use plastic item, except in stated circumstances where the sale may be to a healthcare business such as a hospital, pharmacy or dental clinic or another exempt business such as a school, in order to continue accessibility for people with healthcare or disability needs.

It is accepted that provision by cafes, markets, restaurants and at events of plastic straws upon request is not inconsistent with the proposed ban.

Similarly, permitting businesses such as pharmacies, doctors' surgeries and dental clinics to provide straws to people with healthcare or disability needs is supported by local government.

This approach has been adopted by many other jurisdictions and is consistent for example with the *Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020* in relation to use of plastic straws for medical purposes by or under the direction of a health professional.

Recommendation 4: The LGAQ supports exemptions for the use of plastic straws to meet the needs of people with a disability or other healthcare requirement.

Exemptions for attached plastic straws and cutlery

The LGAQ would consider some short-term ban deferment for items with ‘attached’ plastic straws (such as a plastic straw attached to a drink product).

These additional products should be included in future legislated bans and phased out in consultation with industry.

United Kingdom legislation was intended to come into force on 6 April 2020 but has been deferred due to COVID 19. The legislation adopts a phased approach for attached straws from July 2021 to allow for implementation of alternative packaging.

Recommendation 5: The LGAQ recommends the Committee considers the phased withdrawal of attached plastic straws and cutlery. These items should be phased out in consultation with industry.

Compliance approach

Local government supports a legislated ban on the supply of single use plastic straws, stirrers, plates and cutlery underpinned by a coordinated state-wide consumer and industry education and awareness campaign.

The LGAQ does not support a cost shift or additional responsibilities for councils associated with the legislation.

Any compliance monitoring and surveillance should be identified as a delegated responsibility of State Government.

Recommendation 6: The LGAQ recommends that compliance monitoring and surveillance activities are coordinated as a State Government responsibility.

Should you require further assistance in relation to this matter please do not hesitate to call Robert Ferguson, LGAQ – Lead, Public Health and Waste on [REDACTED] or via email at [REDACTED]