



Queensland

Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020



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2020

A Bill

for

**An Act to amend the *Waste Reduction and Recycling Act 2011*
for particular purposes**

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Waste Reduction and Recycling (Plastic Items) Amendment Act 2020</i> .	3 4
Clause 2	Commencement	5
	This Act, other than section 7(1) and (3), commences on a day to be fixed by proclamation.	6 7
Clause 3	Act amended	8
	This Act amends the <i>Waste Reduction and Recycling Act 2011</i> .	9 10
Clause 4	Amendment of s 99B (Meaning of <i>banned plastic shopping bag</i> and <i>alternative shopping bag</i>)	11 12
	Section 99B(4), definition <i>AS 4736</i> , after ‘plastics’—	13
	<i>insert—</i>	14
	suitable for composting and other microbial treatment,	15 16
Clause 5	Insertion of new ch 4, pt 3AA	17
	Chapter 4, after part 3A—	18
	<i>insert—</i>	19
	Part 3AA Plastic items	20
	Division 1 Preliminary	21

99GA Objects of part	1
The objects of this part are to—	2
(a) promote and support the waste and resource management hierarchy; and	3 4
(b) reduce plastic pollution by reducing the number of single-use plastic items—	5 6
(i) used or sold; and	7
(ii) that become waste and are littered or disposed of to landfill; and	8 9
(c) encourage retailers and consumers to—	10
(i) reduce the overall use and sale of single-use plastic items; and	11 12
(ii) use or sell sustainable alternatives to single-use plastic items; and	13 14
(d) encourage manufacturers to identify innovative product designs for sustainable alternatives to single-use plastic items; and	15 16 17
(e) recognise the needs of persons with a disability and the healthcare needs of persons in relation to the use of banned single-use plastic items; and	18 19 20 21
(f) ensure manufacturers and consumers are aware of, and understand, information about plastic items that are compostable.	22 23 24
 99GB Definitions for part	 25
In this part—	26
<i>AS 4736</i> means the Australian Standard for biodegradable plastics suitable for composting and other microbial treatment, as in force from time to time under that designation (regardless of the edition or year of publication of the standard).	27 28 29 30 31
<i>AS 5810</i> means the Australian Standard for biodegradable plastics suitable for home	32 33

[s 5]

composting, as in force from time to time under that designation (regardless of the edition or year of publication of the standard).	1 2 3
<i>banned single-use plastic item</i> see section 99GC.	4
<i>compostable</i> , for a plastic item, means the plastic item is compostable under AS 4736 or AS 5810.	5 6
<i>plastic item</i> means an item made, in whole or part, of plastic (whether or not the plastic is compostable).	7 8 9
<i>single-use plastic item</i> means a plastic item, other than a plastic item that is compostable, designed to be used only once.	10 11 12

99GC Meaning of *banned single-use plastic item* 13

- (1) A ***banned single-use plastic item*** is a single-use plastic item that— 14
15
- (a) is— 16
- (i) a plate; or 17
 - (ii) a bowl; or 18
 - (iii) an item of cutlery; or 19
 - (iv) a straw; or 20
 - (v) a stirrer; or 21
- (b) is prescribed by regulation to be a banned single-use plastic item. 22
23
- (2) However, each of the following is not a banned single-use plastic item— 24
25
- (a) a single-use plastic item that is an integral part of a shelf-ready product; 26
27
- Examples—* 28
- a straw attached to a juice box 29
 - a fork included in a pre-packed salad 30
 - a spoon attached to a yoghurt container 31

-
- a plate forming part of a frozen meal 1
 - (b) a single-use plastic item that is prescribed 2
by regulation not to be a banned single-use 3
plastic item. 4
 - (3) The Minister may recommend to the Governor in 5
Council the making of a regulation under 6
subsection (1)(b) or (2)(b) about whether or not a 7
single-use plastic item is a banned single-use 8
plastic item (a *proposed change*) only after— 9
 - (a) carrying out consultation with the public 10
about the proposed change; and 11
 - (b) considering all of the following— 12
 - (i) the results of the public consultation 13
about the proposed change; 14
 - (ii) whether making the proposed change is 15
likely to achieve the objects of this 16
part; 17
 - (iii) whether voluntary or other measures to 18
achieve the objects of this part have 19
been shown not to be effective; 20
 - (iv) if the proposed change is to prescribe a 21
single-use plastic item to be a banned 22
single-use plastic item— 23
 - (A) the availability of alternative 24
products to the single-use plastic 25
item; and 26
 - (B) whether the costs of monitoring, 27
enforcement and market 28
development are proportional to 29
the benefits of the proposed 30
change. 31
 - (4) In this section— 32
 - cutlery*— 33
 - (a) means utensils for eating food; and 34
-

- (b) includes chopsticks, splayds and sporks. 1
shelf-ready product means food or a beverage 2
that is pre-packaged as a single serve and ready 3
for— 4
(a) immediate consumption; or 5
(b) consumption after cooling or heating the 6
food or beverage. 7

Division 2 Banned single-use plastic 8
items 9

99GD Restriction on sale of banned single-use 10
plastic items 11

- (1) A person who conducts a business or undertaking 12
must not, in the course of conducting the business 13
or undertaking, sell a banned single-use plastic 14
item to another person. 15

Maximum penalty—50 penalty units. 16

- (2) However, subsection (1) does not apply to the sale 17
of a banned single-use plastic item— 18

(a) by or to a person who conducts an exempt 19
business or undertaking; or 20

(b) if the person selling the item reasonably 21
believes the sale is a step in a supply chain 22
for the supply of the item to a person who 23
conducts an exempt business or 24
undertaking. 25

Example for paragraph (b)— 26

A manufacturer may sell plastic straws to a 27
distributor if the manufacturer reasonably believes 28
the sale of the straws is a step in a supply chain for 29
the supply of the straws to a pharmacy. 30

- (3) In this section— 31

exempt business or undertaking means— 32

-
- (a) a healthcare business or undertaking; or 1
 - (b) a school; or 2
 - (c) a business or undertaking, prescribed by 3
regulation for this definition, that involves 4
the sale or supply of banned single-use 5
plastic items for use by persons with a 6
disability or healthcare needs. 7
- healthcare business or undertaking*** means any 8
of the following businesses or undertakings 9
(however called)— 10
- (a) a clinic or facility that provides care to 11
persons with a disability or healthcare 12
needs; 13
 - (b) a dental clinic; 14
 - (c) a hospital; 15
 - (d) a medical clinic; 16
 - (e) a medical supply business or undertaking; 17
 - (f) a pharmacy; 18
 - (g) a business or undertaking that is 19
substantially similar to a business or 20
undertaking mentioned in any of paragraphs 21
(a) to (f). 22

**99GE Giving false or misleading information about 23
banned single-use plastic items 24**

A person must not give information that the 25
person knows is false or misleading to another 26
person about— 27

- (a) the composition of a banned single-use 28
plastic item; or 29
- (b) whether or not a plastic item is a banned 30
single-use plastic item. 31

Maximum penalty—50 penalty units. 32

Division 3	Compostable plastic items	1
99GF Stating conditions under which plastic items are compostable		2 3
(1) This section applies if a person—		4
(a) conducts a manufacturing, wholesale, distribution or import business or undertaking; and		5 6 7
(b) in the course of conducting the business or undertaking, sells a plastic item that is compostable to another person.		8 9 10
(2) The person must ensure the conditions under which the plastic item is compostable are clearly and legibly written—		11 12 13
(a) on the packaging for the plastic item; or		14
(b) in information or a document accompanying the plastic item.		15 16
Maximum penalty—50 penalty units.		17
(3) In this section—		18
<i>condition</i> , under which a plastic item is compostable, includes—		19 20
(a) whether the plastic item is suitable for industrial or home composting; and		21 22
(b) whether the plastic item is compostable under AS 4736 or AS 5810.		23 24
99GG Certification to chief executive about whether or not plastic items are compostable		25 26
(1) The chief executive may give a notice under this section to a person if the chief executive believes the person—		27 28 29

-
- (a) conducts a manufacturing, wholesale, distribution or import business or undertaking; and 1
2
3
- (b) in the course of conducting the business or undertaking, sells to another person— 4
5
- (i) a plastic item that is compostable (a ***sold item***); or 6
7
- (ii) a plastic item (also a ***sold item***) the person tells the other person is compostable. 8
9
10
- (2) A notice under this section may require the person to give the chief executive a certification about the sold item. 11
12
13
- (3) A person who is given a notice under this section must comply with the notice within 20 business days after receiving the notice unless the person has a reasonable excuse. 14
15
16
17
- Maximum penalty—50 penalty units. 18
- (4) In this section— 19
- certification***, about a sold item, means a certification about whether or not the sold item is compostable that— 20
21
22
- (a) includes the information decided by the chief executive; and 23
24
- (b) is in the form decided by the chief executive. 25
- 99GH Giving false or misleading information about whether or not plastic items are compostable** 26
27
- A person must not give information, or a document containing information, that the person knows is false or misleading to another person about whether or not a plastic item is compostable. 28
29
30
31
32
- Maximum penalty—50 penalty units. 33

Division 4	Review	1
99GI Review of part		2
(1)	The Minister must ensure a review of the operation of this part starts not more than 2 years after the commencement.	3 4 5
(2)	The review must include a review of—	6
(a)	the effect of this part on the community, especially persons with a disability or healthcare needs; and	7 8 9
(b)	the level of public knowledge and understanding about this part, including—	10 11
(i)	what is or is not a banned single-use plastic item, and alternatives to banned single-use plastic items; and	12 13 14
(ii)	whether or not plastic items are compostable; and	15 16
(c)	the effectiveness of this part in reducing the number of single-use plastic items—	17 18
(i)	used or sold; and	19
(ii)	that become waste and are littered or disposed of to landfill; and	20 21
(d)	the effect of this part on the use or sale of alternatives to single-use plastic items, including whether or not the alternatives are sustainable or designed to be used only once; and	22 23 24 25 26
(e)	the level of compliance with this part.	27
(3)	The chief executive must give a report on the outcome of the review to the Minister within 6 months after the day the review starts.	28 29 30
(4)	The Minister must table the report in the Legislative Assembly within 12 sitting days after receiving the report.	31 32 33

Clause 6	Amendment of s 245 (Definitions for chapter)	1
	Section 245, definition <i>prescribed provision</i> , paragraph (a), after ‘73A(2),’—	2 3
	<i>insert</i> —	4
	99GD(1), 99GE, 99GF(2), 99GG(3), 99GH,	5
Clause 7	Amendment of schedule (Dictionary)	6
	(1) Schedule, definitions <i>hazardous contaminant</i> (first occurrence) and <i>progressive capping</i> (second occurrence)—	7 8
	<i>omit</i> .	9
	(2) Schedule—	10
	<i>insert</i> —	11
	<i>AS 4736</i> , for chapter 4, part 3AA, see section 99GB.	12 13
	<i>AS 5810</i> , for chapter 4, part 3AA, see section 99GB.	14 15
	<i>banned single-use plastic item</i> see section 99GC.	16
	<i>compostable</i> , for a plastic item, for chapter 4, part 3AA, see section 99GB.	17 18
	<i>plastic item</i> , for chapter 4, part 3AA, see section 99GB.	19 20
	<i>single-use plastic item</i> , for chapter 4, part 3AA, see section 99GB.	21 22
	(3) Schedule, definition <i>priority product</i> , ‘priority product statement’—	23 24
	<i>omit, insert</i> —	25
	priority statement	26