



New South Wales

# Plastic Shopping Bags Prohibition Bill 2016

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to prohibit the retail supply of certain plastic shopping bags so as to:

- (a) minimise the number of plastic shopping bags entering waterways and the marine environment and so reduce harm to marine animals, and
- (b) reduce the consumption of plastic products, and
- (c) encourage more sustainable packaging solutions using reusable and biodegradable alternatives to plastic, and
- (d) support the community's aspiration for improving environmental sustainability, and
- (e) reduce the visual impact of plastic shopping bag litter.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act 3 months after the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** specifies the object of the proposed Act (which is the same as that of this Bill).

## **Part 2 Prohibition on certain plastic shopping bags**

**Clause 5** defines a *single-use plastic shopping bag* as a bag with handles, the body of which comprises (in whole or in part) polyethylene with a thickness of less than 35 microns, or a bag prescribed by the regulations, and also specifies that certain bags are not single-use plastic shopping bags.

**Clause 6** requires retailers, during a phase-out period before the prescribed prohibition date, to make alternative shopping bags available to customers who request them as an alternative to single-use plastic shopping bags and to display a notice about the availability of those alternative shopping bags.

**Clause 7** prohibits a retailer from providing single-use plastic shopping bags to customers after the prescribed prohibition date.

**Clause 8** provides that the regulations may apply the proposed section to certain plastic bags (other than single-use plastic shopping bags) and prohibits a retailer from providing such a plastic bag.

**Clause 9** prohibits a retailer from making false or misleading representations about the composition of plastic bags and prohibits a manufacturer or distributor from knowingly or recklessly falsely representing that a single-use plastic shopping bag or other prohibited plastic bag is not such a bag.

## **Part 3 Miscellaneous**

**Clause 10** provides that the regulations can create exemptions from the proposed Act.

**Clause 11** enables the Governor to make regulations for the purposes of the proposed Act.

## **Schedule 1 Amendment of Protection of the Environment Operations Act 1997 No 156**

**Schedule 1** amends the *Protection of the Environment Operations Act 1997* to extend the Chapters about investigations and criminal proceedings to matters arising under the proposed Act or the regulations made under it.