



New South Wales

Waste Avoidance and Resource Recovery Amendment (Marine Plastics Reduction) Bill 2018

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other harmful plastic products, so as to reduce the threat to the survival of marine animals and ecosystems caused by the amount of plastic flowing into the marine environment.

This is achieved by amending the *Waste Avoidance and Resource Recovery Act 2001* to establish the Marine Plastics Reduction Commission, require that Commission to develop reports, and liaise with industry and government to plan for measures to meet the certain targets and require the Premier to ensure that they are met.

The marine plastics elimination targets are as follows:

- (a) a 90% reduction in the amount of plastic waste that enters the ocean by the end of 2020,
- (b) “zero pellet loss” in industrial processes, so that no plastic resin pellets used in industrial processes enter the marine environment, by the end of 2020,
- (c) all new washing machines being fitted with a lint filter that is capable of trapping any microplastics (including microfibres) by the end of 2023,
- (d) all packaging used in the State being recyclable, compostable or reusable by the end of 2023,
- (e) the elimination of petroleum-based single-use plastics from entering the marine environment before 2023 (through a staggered process involving the elimination of specified types of plastic waste by the end of 2018, 2020 and then 2023).

The marine plastics elimination targets are subject to any legitimate reason for manufacturing, selling or distributing single-use plastics to meet the access needs of those who, because of a physical or other condition, need those items to be able to eat or drink safely, independently and in comfort or are required for medical, therapeutic or health-related purposes. This Bill requires the Commission to be involved in developing affordable, effective non-plastic alternatives to single-use plastic items for that purpose.

Outline of provisions

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.

Schedule 1 **Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58**

Schedule 1 [1] inserts a new Part 5A (Marine plastics reduction), containing the following provisions.

Division 1 Preliminary:

- (a) **Proposed section 48A** lists the objects of the proposed Part, which include to recognise that marine plastic waste is a critical threat to the continued viability of marine ecosystems, to phase out single-use plastics and other products that have a harmful impact on the marine environment and to encourage more conscious consumption of resources in the community through public education.
- (b) **Proposed section 48B** inserts definitions used in the proposed Part.

Division 2 Planning for elimination of marine plastics pollution

- (a) **Proposed section 48C** requires the Marine Plastics Reduction Commission to conduct inquiries, and prepare reports, on the management of marine plastic waste, mechanisms to reduce marine plastics pollution and compliance with the marine plastics elimination targets established by the proposed Act.
- (b) **Proposed section 48D** requires the Commission to liaise with industry and government to develop strategies to achieve each of the following marine plastics elimination targets:
 - (i) reducing the amount of marine plastic waste that enters the marine environment by 90% (from 2018 levels) by the end of 2020,
 - (ii) eliminating plastic resin pellets that are used in industrial processes entering the marine environment by the end of 2020,
 - (iii) ensuring that, by the end of 2023, all new washing machines are fitted with a lint filter that is capable of trapping any microplastics (including microfibres) that are loosened during the laundering of synthetic fabrics,
 - (iv) ensuring that, by the end of 2023, all packaging used in the State is recyclable, compostable or reusable,
 - (v) eliminating each type of marine plastic waste listed in the table to the proposed section entering the marine environment before the end of the year specified.
- (c) **Proposed section 48E** requires the Premier to ensure that the marine plastics elimination targets are met.
- (d) **Proposed section 48F** makes it clear that the marine plastics elimination targets are subject to meeting the access needs of those who, because of a physical or other condition, need those items to be able to eat or drink safely, independently and in comfort or for medical or health-related purposes.
- (e) **Proposed section 48G** requires the Minister to take all steps reasonably necessary to convene a meeting of responsible Ministers of the Commonwealth and other States and

Territories for the purpose of achieving prohibitions on the manufacture or sale in New South Wales of specific items, in accordance with the marine plastics elimination targets established by the proposed Act.

Division 3 Marine plastics pollution threat abatement plans

- (a) **Proposed section 48H** requires the Commission to prepare a marine plastics pollution threat abatement plan, following a period of public consultation.
- (b) **Proposed section 48I** requires Ministers and public authorities (including the Environment Protection Authority) to take any appropriate action available to them to implement the measures included in a threat abatement plan for which they are responsible and prohibits them from making decisions that are inconsistent with the provisions of a threat abatement plan.
- (c) **Proposed section 48J** provides that the regulations may make provision for or with respect to the implementation and operation of a threat abatement plan in connection with an item of marine plastic waste, group of items of marine plastic waste or an industry in New South Wales and that the regulations may create offences relating to carrying out activities in contravention of a threat abatement plan.

Division 4 Establishment of Marine Plastics Reduction Commission

- (a) **Proposed section 48K** establishes a Marine Plastics Reduction Commission as a body corporate, the functions of which are exercisable by the person who holds the office of Commissioner.
- (b) **Proposed section 48L** creates a statutory office of Commissioner for the Marine Plastics Reduction Commission.
- (c) **Proposed section 48M** creates 3 statutory offices of Assistant Commissioner.
- (d) **Proposed section 48N** provides that the Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission, but in other respects is subject to the control and direction of the Minister.
- (e) **Proposed section 48O** provides that the general function of the Commission is to provide the Minister with independent advice on the management of marine plastics pollution and lists further specific functions of the Commission.
- (f) **Proposed section 48P** requires the Commission to make an annual report to Parliament, which includes an evaluation of the progress of the Minister in achieving the targets created by the proposed Part and a description of the Commission's activities during that year in relation to each of the Commission's functions.
- (g) **Proposed section 48Q** authorises the Commission to enter into arrangements with any government agency or other body or person (including the engagement of consultants) for the provision of assistance to the Commission in connection with the exercise of its functions.
- (h) **Proposed section 48R** authorises the Commission to delegate any of its functions, other than the power of delegation, to an Assistant Commissioner or to a committee.

Schedule 1 [2] provides for the regulations to make provision for or with respect to the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.

Schedule 1 [3] inserts a Schedule of provisions relating to the employment of the Commissioner for the Marine Plastics Reduction Commission and the Assistant Commissioners.

Schedule 2 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 2 includes the positions of the full-time Commissioner and a full-time Assistant Commissioner in the list of public offices in Part 1 of Schedule 2 to the *Statutory and Other Offices Remuneration Act 1975*.