



New South Wales

# Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019

## Explanatory note

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

## Overview of Bill

The object of this Bill is to prohibit retailers from supplying plastic shopping bags to their customers.

## 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 on a day that is 6 months after the date of assent to the proposed Act.

**Clause 3** defines “single-use plastic shopping bag” for the purposes of the proposed Act.

**Clause 4** prohibits retailers from supplying certain single-use plastic shopping bags to their customers to carry goods bought, or to be bought, from the retailer.

**Clause 5** 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 is not a single-use plastic shopping bag.

**Clause 6** provides for the Governor to make regulations under the proposed Act.

**Clause 7** provides for the review of the proposed Act in 2 years.

**Schedule 1** amends the *Protection of the Environment Operations Act 1997* (the **1997 Act**) to extend the operation of the enforcement provisions of that Act to the proposed Act so that offences

by retailers under the proposed Act can be investigated and prosecuted (including by penalty notice) under the 1997 Act.



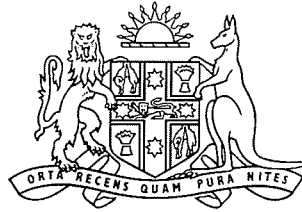
New South Wales

# Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019

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New South Wales

# Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019

No. , 2019

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## **A Bill for**

An Act to prohibit retailers from supplying certain plastic shopping bags to their customers; and for related purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2019</i> .	3
<b>2 Commencement</b>	4
This Act commences on the day that is 6 months after the date of assent to this Act.	5
<b>3 Definition</b>	6
(1) In this Act:	7
<i>single-use plastic shopping bag</i> means a bag that has handles and is made (in whole or in part) of:	8
(a) polyethylene with a thickness of less than 35 microns, or	10
(b) any other plastic that is prescribed by the regulations, with a thickness of less than 35 microns.	11
<b>Note.</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	12
(2) Notes included in this Act do not form part of this Act.	13
<b>4 Retailers must not supply certain single-use plastic shopping bags</b>	14
(1) A person who sells goods in trade or commerce must not supply a single-use plastic shopping bag to another person for the purpose of that other person carrying goods purchased, or to be purchased, from the premises where the bag is supplied.	15
Maximum penalty: 50 penalty units.	16
(2) This section does not prevent a person from supplying any of the following bags:	17
(a) a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale,	18
(b) a barrier bag (being a bag dispensed from a roll that is intended to be used solely to carry unpackaged perishable food for human or animal consumption),	19
(c) a bag prescribed by the regulations as not being a single-use plastic shopping bag for the purposes of this section.	20
<b>Note.</b> This section does not prevent a person from supplying bin liners, because bin liners are not used to carry goods from the person's premises.	21
This section also does not prevent a person from supplying a plastic shopping bag of the kind usually supplied by clothing and department stores, because those bags ordinarily have a thickness of more than 35 microns.	22
<b>5 False or misleading representations about plastic bags</b>	23
(1) A retailer must not, in the course of retailing, give to a person information about the composition of a plastic bag that the retailer knows, or would reasonably be expected to know, is false or misleading.	24
Maximum penalty: 50 penalty units.	25
(2) A manufacturer or distributor of plastic bags who sells, supplies or otherwise provides single-use plastic shopping bags to another person must not, before, or in the course of, selling, supplying or providing the bags, represent to the other person that the bags are not single-use plastic shopping bags:	26
(a) knowing that they are single-use plastic shopping bags, or	27
(b) being reckless as to whether they are or are not single-use plastic shopping bags.	28

Maximum penalty: 50 penalty units.	1
<b>6 Regulations</b>	2
The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	3 4 5 6
<b>7 Review of Act</b>	7
(1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	8 9 10
(2) The review is to be undertaken as soon as possible after the period of 2 years from the commencement of this Act.	11 12
(3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.	13 14

<b>Schedule 1</b>	<b>Amendment of Protection of the Environment Operations Act 1997 No 156</b>	1 2
<b>[1]</b>	<b>Section 186 Extension of Chapter to other environment protection legislation</b>	3
	Insert before section 186 (c):	4
	(b5) <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2019</i> and the regulations under that Act,	5 6
<b>[2]</b>	<b>Section 213 Application of Chapter</b>	7
	Insert after section 213 (2) (c):	8
	(d) <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2019</i> and the regulations under that Act.	9 10