



New South Wales

Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) to provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other plastic products that are harmful to the environment,
- (b) to establish a Plastics Reduction Commission (the *Commission*),
- (c) to require the Commission to develop reports and liaise with industry and government to plan for measures to meet specified plastics elimination targets.

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 unless commenced sooner by proclamation.

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

Schedule 1[1] inserts proposed Part 5A containing the following provisions—

- (a) **Proposed section 48A** lists the objects of the proposed Part, which include recognising that plastic waste is a critical threat to the environment, phasing out single-use plastics and other

- products that have a harmful impact on the environment and encouraging more conscious consumption of resources in the community through public education.
- (b) **Proposed section 48B** inserts definitions used in the proposed Part.
 - (c) **Proposed section 48C** requires the Commission to conduct inquiries and prepare reports on the management of plastic waste, mechanisms to reduce plastics pollution and compliance with the plastics elimination targets established under the proposed Part.
 - (d) **Proposed section 48D** requires the Commission to liaise with industry and government to develop strategies to achieve each of the following plastics elimination targets—
 - (i) reducing the amount of plastic waste by 90%, from 2019 levels, by the end of 2022,
 - (ii) eliminating plastic resin pellets used in industrial processes from matter that is discharged or deposited into the environment by the end of 2022,
 - (iii) ensuring that, by the end of 2024, all new washing machines are fitted with a lint filter that is capable of trapping microplastics and microfibrils that are loosened during the laundering of synthetic fabrics,
 - (iv) ensuring that, by the end of 2024, all packaging used in the State is recyclable, compostable or reusable,
 - (v) ensuring that, by the end of 2024, all packaging used in the State is comprised of at least 30% recycled plastic,
 - (vi) eliminating types of plastic waste listed in the table to the proposed section from matter that is discharged or deposited into the environment by the date or period specified.
 - (e) **Proposed section 48E** provides that the regulations may prescribe other types of single-use plastic waste for the purposes of proposed section 48D. The Minister may recommend the making of a regulation only if certain requirements are met.
 - (f) **Proposed section 48F** requires the Premier to ensure that the plastics elimination targets are met.
 - (g) **Proposed section 48G** makes it clear that the plastics elimination targets are subject to meeting the access needs of people who, because of a physical or other condition, need the items to be able to eat or drink safely, independently and in comfort or for medical or health-related purposes.
 - (h) **Proposed section 48H** 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 plastics elimination targets established under the proposed Part.
 - (i) **Proposed section 48I** requires the Commission to prepare a threat abatement plan in relation to plastics pollution following a period of public consultation.
 - (j) **Proposed section 48J** requires Ministers and public authorities, including the Environment Protection Authority, to take 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.
 - (k) **Proposed section 48K** provides that the regulations may make provision for or about the implementation and operation of a threat abatement plan in connection with an item of plastic waste, group of items of 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.
 - (l) **Proposed section 48L** establishes a Plastics Reduction Commission as a body corporate, the functions of which are exercisable by the person who holds the office of Commissioner.

- (m) **Proposed section 48M** creates the office of Commissioner for the Plastics Reduction Commission.
- (n) **Proposed section 48N** creates 3 offices of Assistant Commissioner.
- (o) **Proposed section 48O** provides that the Commission is subject to Ministerial control, other than in relation to the preparation and contents of any advice, report or recommendation of the Commission.
- (p) **Proposed section 48P** provides that the general function of the Commission is to provide the Minister with independent advice on the management of plastics pollution and lists further specific functions of the Commission.
- (q) **Proposed section 48Q** 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.
- (r) **Proposed section 48R** authorises the Commission to enter into arrangements with a 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.
- (s) **Proposed section 48S** authorises the Commission to delegate 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 about the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.

Schedule 1[3] inserts a Schedule of provisions relating to the Commissioner and the Assistant Commissioners.

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

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