



Ref. 79/2294  
D21/23305

ABN 76 149 388 126

Level 4  
81-95 Waymouth Street  
Adelaide SA 5001

GPO Box 1047  
Adelaide SA 5001

Tel +61 8 8204 2051  
Fax +61 8 204 1911

[www.greenindustries.sa.gov.au](http://www.greenindustries.sa.gov.au)

Ms Cate Faehrmann MLC  
Chair

Portfolio Committee No. 7 – Planning and Environment

Email: [PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au)

Dear Ms Faehrmann

Thank you for the opportunity to contribute to the New South Wales Legislative Council's Portfolio Committee 7 Inquiry into the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021, by sharing South Australia's experience with its single-use plastics legislation. I apologise for the delay in responding to your invitation.

South Australia is a leader in waste management and resource recovery. The state has a proud history in managing the impacts of single-use plastics, including the state's container deposit legislation from the 1970's and the ban on lightweight plastic shopping bags in 2009.

Green Industries SA (GISA) led the development of the South Australian Government's [Single-use and Other Plastic Products \(Waste Avoidance\) Act 2020](#) (SUP Act), which passed South Australia's Parliament in September 2020 and came into operation on 1 March 2021. Further information on GISA and its programs can be found in its annual business plan which is available via the agency's website: [www.greenindustries.sa.gov.au](http://www.greenindustries.sa.gov.au).

GISA commends the approaches of other Australian jurisdictions and the Australian Government towards single-use and other plastic products, including packaging. GISA is liaising, collaborating and sharing experiences with other Australian jurisdictions that have developed similar legislation or have committed to do so.

South Australia's legislation was developed following consultation on the *Turning the tide on single-use plastic products discussion paper* in early 2019. The South Australian community's response to the discussion paper was overwhelmingly supportive of government action on certain single-use and other plastic products.

The discussion paper and summary of responses are available on GISA's website here: [www.greenindustries.sa.gov.au/reforming-packaging-single-use-items](http://www.greenindustries.sa.gov.au/reforming-packaging-single-use-items).

The development of legislation to phase-out certain single-use and other plastic products was announced in July 2019 by South Australia's Minister for Environment and Water, the Hon David Speirs MP, along with two supporting measures:

- a stakeholder taskforce comprising representatives of business, retail, industry, local government, disability and environmental groups to consider impacts and help inform the development of legislation. A list of taskforce members can be found here: [www.greenindustries.sa.gov.au/supp-taskforce](http://www.greenindustries.sa.gov.au/supp-taskforce); and

- piloting the phase-out of certain single-use plastic products in the community through voluntary plastic-free precincts. Further information on the Plastic-Free SA Program is available at [www.plasticfreesa.org/](http://www.plasticfreesa.org/).

These measures were key to considering impacts and helping to inform the legislation that was released for public consultation in late 2019 and subsequently introduced to South Australia's Parliament in April 2020.

The initial products prohibited from sale, supply or distribution in South Australia were announced in July 2019, along with timeframes:

- single-use plastic drinking straws, cutlery and beverage stirrers on commencement of the legislation; and
- certain expanded polystyrene products and oxo-degradable plastic products 12 months following commencement.

In recognition of the overwhelming sentiment from the South Australian community for government intervention on other products, the SUP Act comprises a framework to add other products to the list of 'prohibited plastic products' in the future via regulation. This framework includes the publication of information outlining the reasons the product is proposed for prohibition, the availability of alternatives and potential exemptions that may be required, as well as a public consultation period inviting submissions from interested parties.

At the time of the announcement (July 2019), the government recognised and stated the need to carefully consider the needs of people with a disability while progressing a phase-out of single-use plastic drinking straws in the wider community.

Ensuring the government's action on single-use plastic drinking straws remained inclusive was a key consideration of the stakeholder taskforce. The taskforce had two representatives from the disability sector, which assisted the government and taskforce members to understand the perspectives and needs of people who rely on single-use plastic straws to safely consume beverages and food.

The discussions at the taskforce informed the government's exemption for the continued sale, supply or distribution of single-use plastic drinking straws for disability or medical needs. This exemption, amongst others for pre-packaged and attached products, and single-use plastic spoons used in medical, dental and care facilities for clinical purposes, are implemented via the [Single-use and Other Plastic Products \(Waste Avoidance\) Regulations 2021](#).

Further information explaining the exemptions in place under the SUP Act is available on GISA's website: [www.greenindustries.sa.gov.au/resources/exemptions-sup-products-waste-avoidance-act-2020](http://www.greenindustries.sa.gov.au/resources/exemptions-sup-products-waste-avoidance-act-2020).

Other key deliberations of the taskforce included definitions in the legislation, commencement timeframes, compliance and enforcement, support for businesses and associated measures such as public place bin infrastructure.

The taskforce deliberately did not comprise representatives of the manufacturers whose products were to be prohibited. However, the taskforce received presentations from two manufacturers on their products and alternatives to single-use plastic products.

South Australia's Office of Consumer and Business Affairs, as the local regulatory authority for Australian Consumer Law, also attended a meeting of the taskforce on invitation to discuss environmental claims and "greenwashing" of products.

In addition to the Plastic-Free SA program, implementation of the SUP Act was supported by a community education campaign: *Replace the Waste*. The campaign comprised a website ([www.replacethewaste.sa.gov.au/](http://www.replacethewaste.sa.gov.au/)), business helpline and advertising, and was informed by the stakeholder taskforce. Videos demonstrating the exemptions for single-use plastic drinking straws were developed in consultation with disability sector taskforce representatives.

*Replace the Waste* resources were developed to assist businesses to prepare for the commencement of the legislation and transition to alternative products – including a list of suppliers of alternative products. The resources were translated into eight languages to assist members of the community whose primary language is not English. The National Retail Association, a member of the stakeholder taskforce, was engaged to run the *Relace the Waste* business helpline and undertake face-to-face business visits, including in regional areas.

The commencement of South Australia's legislation (1 March 2021) coincided with the Adelaide Festival (February – March 2021), which featured an installation titled *The Plastic Bag Store* by Brooklyn artist and filmmaker Robin Frohardt in a prominent Adelaide location. *Replace the Waste* advertising was used in the vicinity of the installation to help raise awareness of the government's legislation and the issues it aims to address.

Inspired by *The Plastic Bag Store* installation, GISA ran a school art exhibition for South Australian school students to submit artwork regarding environmental protection, pollution and litter. The artwork was displayed in an Adelaide city library as well as the foyer of a government building and further assisted to raise awareness of the legislation. A virtual gallery of some of the artwork is available via the *Replace the Waste* website (link above).

South Australia's SUP Act contains provisions for annual reporting on meeting its objectives and compliance activity. It also contains a section requiring a review of the Act three years after commencement. These provisions are forming the basis of monitoring the effectiveness and impact of the legislation, which has now been in effect for 90 days. The first annual report under the SUP Act is due in September 2022.

GISA continues to work closely with South Australia's Environment Protection Authority (EPA) in the implementation of the legislation. The EPA is the independent regulatory authority for the SUP Act, however, the focus during implementation has been on educating the community and supporting businesses to transition to alternative products.

The EPA will use discretion in responding to any breaches of the legislation and can respond to non-compliance in various ways, ranging from providing verbal and written warnings through to expiations and prosecution. The EPA will take action where appropriate, particularly where systemic or ongoing non-compliance occurs.

To further assist with the assessment of products under the SUP Act, the EPA has published guidance on the factors it will consider in making a determination on 'prohibited plastic products'. The guideline is available at the EPA's website: [www.epa.sa.gov.au/files/14861\\_guide\\_sup.pdf](http://www.epa.sa.gov.au/files/14861_guide_sup.pdf).

The definition of 'single-use' in the SUP Act refers to a product "*designed or intended to be used once or for a limited number of times before being disposed of*" and does not contain a specific number of times or design metric. Therefore, GISA and the EPA are continuing discussions with several manufacturers and suppliers regarding whether their plastic products are prohibited from sale, supply or distribution in South Australia.

Further information on South Australia's single-use plastic products legislation and other initiatives can be found on the GISA and *Replace the Waste* websites, or by contacting Mr Josh Wheeler, Manager Government Business, on telephone (08) 8204 2586 or by email [josh.wheeler@sa.gov.au](mailto:josh.wheeler@sa.gov.au).

Yours sincerely

Ian Overton  
Chief Executive  
Green Industries SA

1 June 2021