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PORTFOLIO COMMITTEE NO. 7

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



Report 10

August 2021

7

Portfolio Committee No. 7 - Planning and Environment

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

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Terms of reference

That:

- (a) the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report, and
- (b) the committee report by 12 October 2021.

The terms of reference were referred to the committee by the Legislative Council on 16 March 2021.¹

¹ *Minutes*, NSW Legislative Council, 16 March 2021, p 1988.

Committee details

Committee members

Ms Cate Faehrmann MLC	The Greens	<i>Chair</i>
The Hon Mark Pearson MLC	Animal Justice Party	<i>Deputy Chair</i>
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Ben Franklin MLC	The Nationals	
The Hon Rose Jackson MLC²	Australian Labor Party	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Penny Sharpe MLC	Australian Labor Party	

Contact details

Website	www.parliament.nsw.gov.au/committees
Email	portfoliocommittee7@parliament.nsw.gov.au
Telephone	(02) 9230 2256

² The Hon Rose Jackson MLC replaced the Hon Mark Buttigieg MLC as a substantive member of the committee from 21 June 2021.

Chair's foreword

Plastic waste pollution is an urgent and growing issue. Plastic production has increased exponentially over the past 50 years. Plastic items – many of which are used once then discarded – can remain in the environment for hundreds, even thousands of years. As it breaks up, plastic waste becomes microplastics or nanoplastics, which contaminate ecosystems and food chains both on land and at sea. Plastic waste causes injury, illness and death for marine animals and turns once-pristine waters into a toxic environment for living organisms. The full health consequences for humans of plastic in the environment are yet to be known.

The Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 was brought forward to stimulate action to turn the tide on plastic waste in New South Wales, which has been lagging behind other jurisdictions in this important policy area. There is agreement at the national level that Australia has a plastics problem. South Australia, Queensland and the Australian Capital Territory have already moved to ban certain single-use plastics, and to establish processes to regulate further in future. In examining the bill, this inquiry has gathered and documented many of the voices calling on the NSW Government to show greater leadership in the area of waste management, and plastics reduction.

As this inquiry took place, the NSW Government released its long-awaited longer term waste strategy, the NSW Waste and Sustainable Materials Strategy and accompanying NSW Plastics Action Plan. The NSW Plastics Action Plan flags the government's intention to soon introduce its own legislation to phase out certain single-use plastics. The committee welcomes these developments, and, on that basis, recommends that this bill does not proceed.

While the need for this bill has been overtaken by the NSW Government's announcement, the committee heard significant support from inquiry participants for legislation and strategic direction from government to address plastic waste. Much of the evidence on this bill is pertinent to a plastics reduction agenda going forward. The committee therefore recommends that its report inform the drafting of the government's foreshadowed legislation, as well as the Legislative Council's consideration of that legislation when the time comes.

The committee strongly encourages the NSW Government to act quickly to legislate against single-use plastic items, and to address the issues that are driving current low rates of plastic recycling. Longer term plastic waste reduction will require leadership and direction-setting from government, and the committee calls on the NSW Government to do just that.

As Chair, I would like to thank all the inquiry participants, who contributed their time and expertise to this inquiry. I also thank the committee members for their constructive and considered contributions to this process, and the secretariat for their, as always, extremely capable support.



Ms Cate Faehrmann MLC
Committee Chair

Recommendations

Recommendation 1

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That the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 not proceed, but that the evidence documented in this report, and the conclusions of the committee, inform the NSW Government in drafting its foreshadowed plastic reduction legislation. Further, that the report inform the House's consideration of the forthcoming legislation.

Conduct of the inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 16 March 2021.

The committee received 95 submissions.

The committee held two public hearings at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Chapter 1 Overview

This chapter outlines the background and purpose of the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021, then provides an overview of the bill's provisions.

Reference

- 1.1 The Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 (hereafter the bill) was introduced into the Legislative Council on 18 February 2021 by Ms Cate Faehrmann MLC, on behalf of The Greens.
- 1.2 On 16 March 2021 the Selection of Bills Committee recommended that the provisions of the bill be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 12 October 2021.
- 1.3 On tabling of the Selection of Bills Committee report, the Legislative Council referred the provisions of the bill to the committee.

Background and purpose of the bill

- 1.4 The Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 seeks 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. It also seeks to establish a Plastics Reduction Commission that would plan for elimination of plastic pollution. The commission would inquire into management of plastic waste, mechanisms to reduce plastics pollution and compliance with plastics elimination targets, and liaise with industry and government to develop strategies to meet targets set in the bill.
- 1.5 In her second reading speech, Ms Faehrmann outlined her reasons for bringing the bill forward at this time. Since mass production of plastics began in the 1950s, over 8 billion tonnes of plastic have been produced, of which just 9 per cent has been recycled. Plastic is a persistent pollutant, which causes environmental harm, whether it ends up in landfill or the marine environment. China's crackdown on foreign waste imports in 2018 increased pressure on Australia's waste management system, and highlighted a need to address plastic pollution by minimising use, rather than exporting the problem. The speech highlighted the environmental impacts of plastics pollution in terms of use of fossil fuels, production of landfill, impacts on animals especially marine life, and fuelling of climate change.³
- 1.6 Ms Faehrmann further noted that other jurisdictions in Australia, notably South Australia, Queensland, Western Australia and the Australian Capital Territory have already taken steps to ban single use plastics, while New South Wales has lagged behind. Despite the NSW Government releasing a draft plastics plan in March 2020 with the stated aim of banning a range of single use plastics, as of February 2021 there had been no announcement from the NSW Government about its plans to introduce such legislation.⁴

³ *Hansard*, NSW Legislative Council, 18 February 2021, pp 5153-5154 (Cate Faehrmann).

⁴ *Hansard*, NSW Legislative Council, 18 February 2021, pp 5155-5156 (Cate Faehrmann).

Overview of the bill's provisions

1.7 The objects of this bill, as set out in clause 48A are:

- a. to recognise that plastic waste is a critical threat to the environment
- b. to phase out single-use plastics and other products that have a harmful impact on the environment
- c. to encourage more conscious consumption of resources in the community through public education
- d. to support research initiatives into plastic waste and its impact on the environment
- e. to promote producer responsibility to ensure better environmental and social outcomes through improved design
- f. to support a circular economy, in which materials are used, collected, recovered and reused.⁵

1.8 Division 2 of the bill provides for planning for elimination of plastics pollution. Of particular importance, clause 48D sets targets for plastics reduction, and sets out specific timeframes for eliminating certain types of plastic waste.

1.9 The timeframe for elimination of specific single-use plastics proposed in clause 48D is as follows:

Time after commencement	Type of plastic waste
3 months	Single use plastic bags; oxo-degradable plastic; cosmetics, personal hygiene products or household detergents containing microbeads
6 months	Plastic drinking straws; plastic drink stirrers; balloons containing plastic; plastic ring carriers for beverage containers; confection sticks; reusable plastic bags; single-use expanded polystyrene food and beverage containers; plastic cotton buds; plastic takeaway sauce containers; plastic fruit and vegetable packaging; plastic newspaper and magazine packaging; single-use plastic tablecloths
18 months	Single-use plastic cutlery; non-compostable cigarettes; polystyrene packaging; plastic takeaway food containers, other than plastic takeaway sauce containers; polystyrene waffle pods used in construction
3 years	Non-recyclable and non-compostable beverage containers; all petroleum-based single-use plastics.

1.10 Clause 48E of the bill provides for further single-use plastic waste types to be phased out by regulations made on the Minister's recommendation after a public consultation process.

⁵ Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021, cl 48A.

- 1.11** Division 3 of the bill sets out a requirement for the Plastics Reduction Commission to prepare a threat abatement plan for plastics pollution, and requires Ministers and public authorities to implement measures in threat abatement plans for which they would be responsible.
- 1.12** Division 4 of the bill provides for establishment of a Plastics Reduction Commission as a body corporate, with functions exercised by an appointed Commissioner. It sets out the functions, accountability and reporting arrangements of the proposed Plastics Reduction Commission. Clause 48P sets out several specific functions of the proposed commission. As well as advising the Minister on plastics reduction matters, they include:
- recommending state-wide standards and mechanisms to reduce plastics pollution
 - liaising with industry in preparation of plans and measures to achieve plastics elimination targets
 - undertaking inquiries on plastic waste education programs in schools and communities and advise on how plastic waste education can be delivered and supported
 - undertaking audits of government and industry compliance with plastics elimination targets and recommend appropriate actions
 - coordinating information gathering on sources and impact of plastics pollution, and undertaking inquiries on plastics pollution.
- 1.13** Schedule 5 of the bill provides further detail regarding employment arrangements and appointment of the Commissioner and Assistant Commissioners.

Chapter 2 Key issues

The Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 (hereafter the bill) was brought forward to address a gap in legislation and policy in New South Wales to stem the growing problem of plastic waste pollution. This chapter notes the reasons why legislation to tackle plastic waste is needed in New South Wales, and outlines existing policies and legislation at a national level, and what has been done in other states and territories, before considering the specific proposals in this bill. It then considers stakeholder views on key aspects of the bill, namely: setting targets for plastic waste reduction in New South Wales; the scope and timing of a ban on single-use plastic items; the establishment of a Plastics Reduction Commission to lead a forward agenda on plastic waste reduction; and a number of specific additional issues highlighted by stakeholders as requiring further leadership from government to achieve sought after reductions in plastic waste.

Since this bill was drafted, and the committee took evidence from stakeholders, the New South Wales Government has released a longer term *Waste and Sustainable Materials Strategy* and *NSW Plastics Action Plan*, and flagged an intention to introduce its own legislation to phase out certain single-use plastics. The chapter concludes by outlining the committee's views on the evidence of inquiry participants that will be important in informing the NSW Government's drafting its foreshadowed plastic reduction legislation.

Why is legislation to tackle plastic waste needed?

2.1 This section outlines why legislation to ban certain single-use plastics is needed as part of a broader response to the serious environmental and health issues caused by plastic waste pollution. It notes the legislation and policies already in place at the national level, and in other Australian jurisdictions, examining where New South Wales currently sits in relation to the national efforts.

The problem of plastic waste pollution

2.2 There is a growing awareness of the nature and scale of the plastic waste pollution problem, summarised in the NSW Government's own plastics discussion paper, *Cleaning Up Our Act*, released in 2020. Plastic is everywhere, in many everyday items, and plastic production has increased exponentially over the last 50 years. A piece of plastic that is used for minutes can remain in the environment for hundreds, even thousands of years. As it breaks up, it becomes microplastics or nanoplastics that contaminate ecosystems and foodchains.⁶

2.3 Evidence to this inquiry highlighted the scale of the plastics problem. Research from WWF Australia found that, of 3.4 million tonnes of plastics used across Australia annually, around 130,000 tonnes leak into the environment. Of 1 million tonnes of single-use plastic produced, around 110,000 tonnes leak into the environment.⁷ Left in the environment, plastics can break down into microplastics, blocking soil pores and limiting plant growth. Once in soil,

⁶ NSW Department of Planning, Industry and Environment, *Cleaning Up Our Act: Redirecting the Future of Plastic in NSW*, Discussion Paper, March 2020, p 8.

⁷ Evidence, Ms Kate Noble, No Plastics in Nature Policy Manager, WWF Australia, 31 May 2021, p 28.

microplastics are impossible to remove.⁸ The Australian Microplastic Assessment Project (AUSMAP) has found large quantities of microplastics (less than 5 mm in size) at testing sites around New South Wales, highlighting the environmental harm caused by plastic litter that breaks into microplastics, which pollute river systems, estuarine and marine environments.⁹

2.4 The committee heard that a significant quantity of leaked plastic waste ends up in the ocean, where it can cause injury, illness or death to marine life.¹⁰ Small items of plastic that are used once then thrown away become deadly for ocean wildlife. Research by the CSIRO indicates that millions of seabirds and over 100,000 marine animals die from ingesting plastic each year. Marine animals such as turtles ingest plastic, which they cannot digest, and die as a result.¹¹ As well as directly injuring and killing marine animals, plastic in waterways can concentrate and transport harmful chemicals. Plastic in the sea does not 'break down', but 'breaks up', and microplastics are now being found in all aquatic life.¹² The Australian Marine Conservation Society highlighted the harm that plastic leaking into the environment does to Australia's treasured marine environment, where it turns 'once pristine waters into a toxic and lethal environment for iconic turtles, dolphins, whales, seabirds and other wildlife'.¹³

2.5 Inquiry participants further highlighted that plastic in the environment also poses a risk to human health. As plastic breaks down into microplastics and nanoplastics, people can be exposed to dangerous chemicals through breathing them in, ingesting them or absorbing them through skin. Dr Scott Wilson, AUSMAP Research Director, Macquarie University, told the committee that, while the polymers constituting plastics may be relatively benign, chemicals used in plastic manufacture such as plasticiser and dyes are toxic to organisms that ingest or inhale them. As plastics break down into smaller and smaller particles, these chemicals can move through tissue membranes and cause harm.¹⁴ The full health impacts of microplastics are not yet known.¹⁵

2.6 There is broad agreement at a national level that Australia has a plastics problem. The *National Plastics Plan 2021* notes that Australia now produces 2.5 million tonnes of plastic waste each year, equating to 100 kg per person nationally, of which currently only 13 per cent is recovered, with 84 per cent sent to landfill. Especially problematic is the estimated 130,000 tonnes of plastic which does not end up in landfill but leaks into the environment each year.¹⁶

⁸ NSW Department of Planning, Industry and Environment, *Cleaning Up Our Act: Redirecting the Future of Plastic in NSW*, Discussion Paper, March 2020, p 9.

⁹ Evidence, Dr Scott Wilson, AUSMAP Research Director and Senior Research Fellow, Australian Microplastics Assessment Project, Macquarie University, 1 June 2021, pp 3-6.

¹⁰ Evidence, Ms Kate Noble, 31 May 2021, p 28.

¹¹ Submission 84, NSW Wildlife Information, Rescue and Education Service (WIRES), p 2.

¹² Evidence, Dr Scott Wilson, 1 June 2021, pp 5-6.

¹³ Evidence, Mr Shane Cuow, Plastics Spokesperson, The Australian Marine Conservation Society, 31 May 2021, pp 28-9.

¹⁴ Evidence, Dr Scott Wilson, 1 June 2021, pp 3-6.

¹⁵ Evidence, Dr Scott Wilson, 1 June 2021, pp 3-6, and NSW Department of Planning, Industry and Environment, *Cleaning Up Our Act: Redirecting the Future of Plastic in NSW*, Discussion Paper, March 2020, p 10.

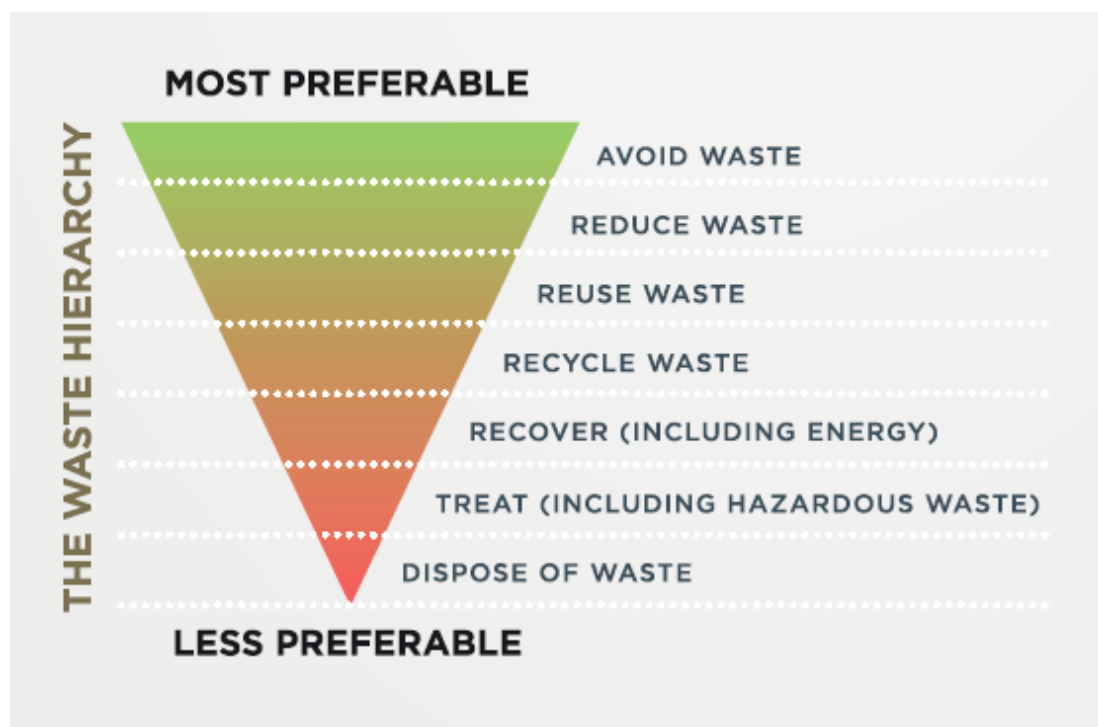
¹⁶ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan 2021*, pp 4-9.

What is being done nationally?

- 2.7 Many stakeholders to this inquiry highlighted a need for consistency in legislation and regulation on plastic around Australia, to provide clear direction and certainty for producers, retailers, local government, the waste management industry and consumers alike. As a late mover in this space, there are relevant national agreements and commitments that New South Wales will need to act on. Several states have already moved to legislate on some of the areas covered by this bill. These are outlined below, to provide context to this bill.

Federal government

- 2.8 Australia's environment ministers agreed to a *National Waste Policy* in December 2018, setting a national framework for action by governments, the business sector, the waste and resource recovery industries, and communities to achieve sustainable waste management based on circular economy principles.¹⁷ The *National Waste Policy 2018* sets a hierarchy of ways to deal with waste, as presented below, which has been referenced by many stakeholders to this inquiry as an accepted guiding framework.



Source: *National Waste Policy 2018*, p 9.

¹⁷ Correspondence from Mr James Tregurtha, Acting Deputy Secretary – Major Environment Reforms, Department of Agriculture, Water and the Environment to Chair, 26 May 2021, Attachment A p 1. The *National Waste Policy* describes a circular economy as follows: 'A circular economy retains the value of materials in the economy for as long as possible, reducing the unsustainable depletion of natural resources and impacts on the environment. A circular economy has economic benefits, creating new industries, markets and products, and leading to new revenue streams and creation of jobs.' Australian Government, *National Waste Policy 2018: Less Waste, More Resources*, p 11.

2.9 Sitting under the *National Waste Policy 2018* is a *National Waste Policy Action Plan 2019*, which sets seven targets, including:

- banning the export of waste plastic, paper, glass and tyres (Target 1)
- reducing total waste generated by 10 per cent per person by 2030 (Target 2)
- an 80 per cent 'recovery' rate of material across all waste streams by 2030 (Target 3)
- significantly increasing governments and industry use of recycled content (Target 4)
- phasing out problematic and unnecessary plastics (Target 5)
- making comprehensive, economy-wide and timely data publicly available to support better consumer, investment and policy decisions (Target 6)
- halving the amount of organic waste sent to landfill by 2030 (Target 7).¹⁸

2.10 A key stimulus for Target 1's ban on the export of certain waste streams including plastics was a decision by China to restrict imports solid waste, including plastic, from January 2018. China was previously a major importer of recyclable materials from Australia, including plastic. The Australian Government has legislated to ban the export of waste plastic, paper, glass and tyres – the *Recycling and Waste Reduction Act 2020* (Cth), recognising that Australia needs to be responsible for its own waste. The ban on plastic export – the *Recycling and Waste Reduction (Export – Waste Plastic) Rules 2021* (Cth) commenced on 1 July 2021. Under these rules, exporters of plastic waste are now required to be granted a licence before exporting plastic waste from Australia, and plastic proposed for export must be sorted and processed to certain specifications.¹⁹ This has had major implications for the waste management and resource recovery sector nationally, as noted by stakeholders to this inquiry.²⁰

2.11 With Target 5 above specifically focused on phasing out 'problematic and unnecessary plastics' by 2025, a *National Plastics Plan 2021* was released on 4 March 2021. The *National Plastics Plan 2021* includes actions for industry to phase out certain single-use plastics. A meeting of environment ministers on 15 April 2021 agreed on the following eight 'problematic' single-use plastic product types to phase out nationally by 2025:

- lightweight plastic bags
- plastic products misleadingly termed as 'degradable'
- plastic straws
- plastic utensils and stirrers
- expanded polystyrene (EPS) consumer food containers

¹⁸ Correspondence from Mr Tregurtha to Chair, 26 May 2021, Attachment A p 1.

¹⁹ Correspondence from Mr Tregurtha to Chair, 26 May 2021, Attachment A p 4.

²⁰ Evidence, Mr Tony Houry, Executive Director, Waste Contractors and Recyclers Association, 1 June 2021, p 10.

- EPS consumer good packaging (loose fill and moulded)
- microbeads in personal health care products.²¹

2.12 Part of the *National Plastics Plan 2021* involves Australian Government support for the Australian Packaging Covenant Organisation (APCO) to work with industry to meet the 2025 National Packaging Targets, aiming to significantly increase packaging recycling rates and recycled content in packaging by 2025.²²

The Australian Packaging Covenant

2.13 Alongside government, the not-for-profit Australian Packaging Covenant Organisation (ACPO) administers a co-regulatory arrangement on behalf of the Australian, State and Territory Governments and over 1,500 industry signatories to the Australian Packaging Covenant. ACPO led development of, and is working with industry to meet the 2025 National Packaging Targets, which are:

- 100 per cent of packaging to be reusable, recyclable or compostable
- 70 per cent of plastic packaging recycled or composted
- 50 per cent average recycled content across all packaging, with specific targets for certain material types
- phase out problematic and unnecessary single-use plastic packaging through redesign, innovation or alternative delivery methods.²³

2.14 Representatives of APCO, which is accountable to Commonwealth and State and Territory governments for work to achieve the 2025 National Packaging Targets, indicated to the committee that they see the role of government in regulating, as well as funding other approaches, as crucial to driving change on plastic waste.²⁴ Ms Brooke Donnelly, Chief Executive Officer, stated that APCO welcomes the NSW Government's development of a twenty year waste strategy and plastics plan. She also indicated that, as a co-regulatory organisation, APCO does not take a policy position, but plays a role in administering whatever regulation is in place.²⁵

²¹ Correspondence from Mr Tregurtha to Chair, 26 May 2021, Attachment A pp 1-2.

²² Correspondence from Mr Tregurtha to Chair, 26 May 2021, Attachment A p 2.

²³ Submission 48, Australian Packaging Covenant Organisation, pp 1-2.

²⁴ Evidence, Ms Brooke Donnelly, Chief Executive Officer, Australian Packaging Covenant Organisation, 31 May 2021, p 50.

²⁵ Evidence, Ms Donnelly, 31 May 2021, p 50.

Other Australian jurisdictions

- 2.15** Inquiry participants highlighted that several Australian states have already moved forward in banning problematic single-use plastic items, well in advance of the national target timeframes. South Australia, which banned lightweight plastic shopping bags in 2009, passed legislation banning certain single-use plastics in 2020. This came into effect in March 2021.²⁶ This legislation prohibited single-use plastic drinking straws, cutlery and beverage stirrers on commencement of the legislation, and certain expandable polystyrene and oxo-degradable products 12 months following commencement. In light of strong community support for government intervention on other products, the Act provides a framework to add other products to the list of 'prohibited plastic products' in the future by regulation.²⁷
- 2.16** In March 2021 Queensland passed legislation banning supply of single-use plastic straws, stirrers, plates, bowls and cutlery, and expanded polystyrene food containers from September 2021.²⁸ The result of a significant consultation process to develop a Regulatory Impact Statement for this legislation is publicly available on the Queensland Government's website.²⁹
- 2.17** The Australian Capital Territory also passed legislation in March 2021 regulating supply of select single-use plastic items. The first tranche of prohibited plastics identified for immediate phase out are: stirrers, cutlery and expanded polystyrene takeaway food and beverage containers. The second phase, commencing on 1 July 2022, is likely to include single-use plastic fruit and vegetable bags, oxo-degradable plastic products and single-use plastic straws. The Act also provides a framework for adding other single-use plastic products in the future via regulation. Like Queensland, the ACT undertook extensive consultation and analysis to develop its legislation, and has published results of the consultation online, including in a Regulatory Impact Statement for its Plastic Reduction Bill.³⁰

The situation in New South Wales

- 2.18** New South Wales has lagged behind other states in legislating to address plastic waste. As noted in evidence to this inquiry, New South Wales is one of the only states in Australia not to have already banned single-use plastic shopping bags.³¹ Some stakeholders contended that, as it falls behind other states which have already banned certain single-use plastics, New South Wales is moving out of alignment with the national agenda, and risks not being able to meet national targets outlined above.³² Many stakeholders to this inquiry noted with disappointment that,

²⁶ *Single-use and Other Plastic Products (Waste Avoidance) Act 2020 (SA)*. Correspondence from Mr Ian Overton, Chief Executive, Green Industries SA to Chair, 1 June 2021.

²⁷ *Single-use and Other Plastic Products (Waste Avoidance) Act 2020 (SA)*. Correspondence from Mr Ian Overton to Chair, 1 June 2021, p 2.

²⁸ *Waste Reduction and Recycling (Plastic Items) Amendment Act 2021 (Qld)*. Correspondence from Mr Jamie Merrick, Director-General, Department of Environment and Science to Chair, 24 May 2021, p 1.

²⁹ *Waste Reduction and Recycling (Plastic Items) Amendment Act 2021 (Qld)*. Correspondence from Mr Jamie Merrick, 24 May 2021, p 1.

³⁰ Correspondence from Ms Alison Playford, Director-General, Transport Canberra and City Services to Chair, received 3 June 2021.

³¹ For example, Submission 47, Boomerang Alliance, pp 4-5.

³² For example, Evidence, Ms Karinne Taylor, Principal Environmental Consultant, MRA Consulting Group, 31 May 2021, p 21.

although Australia's most populous state, New South Wales is not leading the way in this area, and indeed is not keeping up with other jurisdictions.³³

- 2.19** New South Wales's policy framework was evolving as the bill considered in this inquiry was brought forward, and as the inquiry took place. The NSW Government released a *Circular Economy Policy* in February 2019, which references the *Waste Avoidance and Resource Recovery Act 2001*, and the *Waste Avoidance and Resource Recovery Strategy 2014-2021*.³⁴ At the time of drafting this bill, the NSW Government was in the process of developing a new twenty year waste strategy. Many stakeholders to this inquiry indicated they were eagerly awaiting the release of the NSW Government's twenty year waste strategy, and highlighted its importance to providing the policy settings to inform industry and local government planning over the coming decades.³⁵
- 2.20** The *NSW Waste and Sustainable Materials Strategy 2041: Stage 1 2021–2027* and accompanying *NSW Plastics Action Plan* were released on 13 June 2021, one week after the public hearings for this inquiry concluded.
- 2.21** The *NSW Waste and Sustainable Materials Strategy* adopts the following targets for waste reduction in New South Wales, noting that these are consistent with the set of national targets agreed in the *National Waste Policy Action Plan 2019* (set out in paragraph 2.9):
- phase out problematic and unnecessary plastics by 2025
 - reduce the total waste generated by 10 per cent per person by 2030
 - achieve an average 80 per cent recovery rate of resources from all waste streams by 2030
 - significantly increase the use of recycled content by government and industry
 - reduce plastic litter items by 30 per cent by 2025
 - reduce the overall litter by 60 per cent by 2030
 - triple the plastics recycling rate by 2030.³⁶
- 2.22** The *NSW Plastics Action Plan* proposes the following phase-out schedule for 'single-use and problematic' plastic items.

Table 1 NSW Plastics Action Plan: timetable for phasing out the most littered plastic items

Phase out period (from passage of legislation)	Single-use and problematic plastic items
6 months	Lightweight shopping bags
12 months	Plastic straws

³³ For example, Evidence, Ms Noble, 31 May 2021, p 28.

³⁴ NSW Environment Protection Authority, *NSW Circular Economy Policy Statement: Too Good to Waste*, February 2019.

³⁵ For example, evidence, Ms Monica Barone, Chief Executive Officer, City of Sydney Council, 31 May 2021, p 12; evidence, Ms Taylor, 31 May 2021, p 21; evidence, Mr Khoury, 1 June 2021, p 14.

³⁶ Department of Planning, Industry and the Environment, *NSW Waste and Sustainable Materials Strategy 2041: Stage 1 – 2021-2027*, p 6.

Phase out period (from passage of legislation)	Single-use and problematic plastic items
	Plastic stirrers Plastic cutlery Expanded polystyrene food service items Cotton buds with plastic sticks Microbeads in rinse-off personal care and cosmetic products
Review in 3 years	Plastic bowls (including lids) and plates Plastic cups (including lids) Oxo-degradable plastics Fruit stickers (non-compostable) Heavyweight plastic shopping bags Barrier/produce bags

Source: *NSW Plastics Action Plan*, p 6.

- 2.23** In July 2021 the Minister for Energy and Environment, the Hon Matt Kean MP, advised the committee that the Department of Planning, Industry and the Environment (DPIE) was working closely with the Parliamentary Counsel's Office to draft legislation phasing out these items, which the NSW Government aims to introduce in the spring parliamentary session.³⁷
- 2.24** While timing of the *NSW Plastic Action Plan's* release meant the committee was not able to ask stakeholders about their reactions to the detail of the plan, much of the stakeholder input to this inquiry will have significant relevance to the legislation that the NSW Government will bring forward later this year.

Stakeholder views on the bill

- 2.25** The committee took evidence from a range of inquiry participants, including:
- local government, which is responsible for residential waste management
 - waste management and resource recovery industry groups
 - industry groups representing producers and retailers
 - the Australian Packaging Covenant Organisation
 - environmental advocacy groups
 - community groups involved in local efforts to combat plastics pollution
 - manufacturers of bioplastics
 - researchers into microplastics and the circular economy.

³⁷ Correspondence, The Hon Matt Kean, Minister for Energy and Environment to the 23 July 2021, p 1.

- 2.26** Participants' views are summarised below in relation to three key aspects of the bill:
- the proposed targets for eliminating plastics pollution by 2025
 - the proposed scope and phasing of a ban on certain single-use plastics
 - the proposed establishment of a Plastics Reduction Commission, as a body to lead longer term strategies to reduce plastic waste overall.

Targets for eliminating plastics pollution by 2025

- 2.27** Clause 48D of the bill proposes a series of targets for New South Wales to achieve by 2025, including:
- (a) reducing the amount of plastic waste by 90 per cent from 2019 levels by the end of 2022
 - (b) eliminating plastic resin pellets used in industrial processes from matter that is discharged into the environment by the end of 2022
 - (c) ensuring that lint filters capable of trapping microplastics and synthetic microfibers are fitted in all new washing machines by the end of 2024
 - (d) ensuring that all packaging used in the state is recyclable, compostable or reusable by the end of 2024
 - (e) ensuring that all plastic packaging in the state is comprised of at least 30 per cent recycled plastic by the end of 2024
 - (f) eliminating specified single-use plastic items by specified timeframes, ranging from 3 months to 3 years after the Act commences.

Need for national harmonisation in plastics reduction targets?

- 2.28** As noted above, there are several sets of plastic reduction targets nationally, and now at state level. Some of the relevant targets, drawn from the *National Waste Policy Action Plan 2019*, *National Plastics Plan 2021*, National Packaging Targets and the recently released *NSW Waste and Sustainable Materials Strategy* are set out in Table 2 on the following page.

Table 2 Comparison of bill's targets for reducing and recycling plastic waste with National and NSW Government targets

Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021	National Packaging Targets 2025	National Waste Policy Action Plan 2019 and <i>National Plastics Plan 2021</i> Targets	NSW Waste and Sustainable Materials Strategy
<ul style="list-style-type: none"> - reduce the amount of plastic waste by 90 per cent from 2019 levels by the end of 2022 - eliminate plastic resin pellets used in industrial processes from matter that is discharged into the environment by the end of 2022 - ensure that lint filters capable of trapping microplastics and synthetic microfibers are fitted in all new washing machines by the end of 2024 - ensure that all packaging used in the state is recyclable, compostable or reusable by the end of 2024 - ensure that all plastic packaging in the state is comprised of at least 30 per cent recycled plastic by the end of 2024 - eliminate specified single-use plastic items by specified timeframes, ranging from 3 months to 3 years after the Act commences. 	<ul style="list-style-type: none"> - 100 per cent of packaging to be reusable, recyclable or compostable - 70 per cent of plastic packaging recycled or composted - 50 per cent average recycled content across all packaging, (20 per cent for plastic packaging) - phase out problematic and unnecessary single-use plastic packaging through redesign, innovation or alternative delivery methods. 	<ul style="list-style-type: none"> - reduce total waste generated by 10 per cent per person by 2030 - an 80 per cent 'recovery' rate of material across all waste streams by 2030 - significantly increase governments and industry use of recycled content - phase out problematic and unnecessary plastics - <i>By 2022, phase out non-compostable packaging containing fragmentable technologies, polystyrene in loose fill and moulded consumer packaging and food and beverage containers</i> - <i>By 2023 at least 80 per cent of supermarket products display Australasian Recycling Label.</i> - <i>By 2025 achieve National Packaging Targets</i> - <i>By 2030 phase-in microfiber filters on new washing machines</i> 	<ul style="list-style-type: none"> - phase out problematic and unnecessary plastics by 2025 - reduce the total waste generated by 10 per cent per person by 2030 - achieve an average 80 per cent recovery rate of resources from all waste streams by 2030 - significantly increase the use of recycled content by government and industry - reduce plastic litter items by 30 per cent by 2025 - reduce the overall litter by 60 per cent by 2030 - triple the plastics recycling rate by 2030.

- 2.29** As can be seen, the targets set out for New South Wales in this bill do not align with those in the *National Plastics Plan 2021*, or the National Packaging Targets for industry. Some are more ambitious: for example, where the *National Plastics Plan 2021* sets a target for recycled content in plastic packaging of 20 per cent by 2025, this bill calls for 30 per cent by 2024. The national target date requiring lint filters to capture microfibres in new washing machines is 1 July 2030, as opposed to the December 2024 target date in this bill.³⁸ Others are broadly aligned: for example the *National Plastics Plan 2021* proposes there will be national action to phase out certain non-compostable packaging by July 2022, and phase out expanded polystyrene in loose fill and moulded consumer packaging by July 2022, and food and beverage containers by December 2022.³⁹ These items are among the single-use plastic items planned for phase-out in this bill.
- 2.30** In their evidence to the committee, community and environment advocates encouraged New South Wales to be more ambitious than the national targets in both the scope and timeframes set out in legislation. The Boomerang Alliance suggested that there has been a longstanding and serious problem with reliance on voluntary measures to achieve the reduction in plastic packaging or increase in recycling rates required by the National Packaging Targets. The Alliance suggested that, provided clear timeframes and requirements are set out, industry will adjust.⁴⁰ The Boomerang Alliance endorsed both higher targets and shorter timeframes for requiring recycled content in plastic packaging than those in the national targets. It also indicated support for requiring lint filters in washing machines by 2024 rather than the national target of 2030.⁴¹
- 2.31** Local government organisations were broadly supportive of the intent of the bill to reduce plastic waste, while also suggesting some of the targets and timeframes need refinement. The Southern Sydney Regional Organisation of Councils (SSROC) described the targets for plastic waste reduction in the bill as 'very appealing but ambitious'.⁴² Ms Helen Sloan, General Manager, noted that plastic is so deeply embedded in products and packaging that time is needed to deliver change, as new plastics processing and recycling infrastructure will be needed, and new products developed where there is currently no substitute.⁴³ The SSROC submission highlighted the need to achieve alignment with other states and territories, and with national targets, to avoid confusion.⁴⁴
- 2.32** National consistency was also an issue for industry groups, who expressed concern about some targets and timeframes in this bill being out of step with national targets. The Australian Food and Grocery Council, Australian Retailers Association and National Retail Association all suggested that having timeframes for plastic reduction that differ from the National Packaging Targets is problematic for industry, due to the cost and complexity of dealing with different

³⁸ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan 2021*, pp 3, 6.

³⁹ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan 2021*, p 3.

⁴⁰ Submission 47, Boomerang Alliance, p 8.

⁴¹ Submission 47, Boomerang Alliance, p 6.

⁴² Evidence, Ms Helen Sloan, General Manager, Southern Sydney Regional Organisation of Councils, 31 May 2021, p 11.

⁴³ Evidence, Ms Helen Sloan, 31 May 2021, p 11.

⁴⁴ Submission 83, Southern Sydney Regional Organisation of Councils, pp 5-9.

requirements in different states.⁴⁵ They explained that many companies operate within national, and often global, supply chains, and, for these companies, alignment across jurisdictions is critical to achieving the scale needed to drive environmental outcomes, and produce clear communications.⁴⁶

- 2.33** The waste management industry likewise stressed the importance of harmonising requirements, both within New South Wales (across local government areas) and nationally, to provide consistency and certainty to the industry that is dealing with waste management and recovery in a complex and changing environment.⁴⁷ Ms Gayle Sloan, Chief Executive Officer, Waste Management and Resource Recovery Association Australia (WMRR), indicated that the waste management industry needs to see a longer term waste strategy, covering all material streams, to have certainty to invest in appropriate infrastructure.⁴⁸ She suggested that a more holistic strategy would also deal with design standards of packaging, to avoid creation of waste that cannot be reused or recycled within the systems that exist.⁴⁹

Can progress against the targets be monitored?

- 2.34** Several stakeholders raised poor data collection and lack of transparency as an issue that will make it hard for New South Wales to set and monitor progress against plastic waste reduction targets. The SSROC submitted that, 'There are very difficult existing challenges in compiling data related to these targets and making it publicly available', and suggested a lack of coordination in waste and recovery data hinders governments' ability to manage waste and recycling with transparency as well as to track progress on targets.⁵⁰ Ms Monica Barone, Chief Executive Officer of the City of Sydney Council, told the committee that the quality of waste data is 'very poor', and observed that 'if you do not have good-quality data and if you do not have real guidelines and mandates around who collects what and how that data is shared, we are never going to really know the scale of the problem or know how to actually tackle which point of the problem should be prioritised.'⁵¹ Waste management industry representatives also stated a need for greater transparency and availability of data on plastic recycling.⁵²

Targets on packaging recycling

- 2.35** The bill sets a target of ensuring that all packaging used in the state is recyclable, compostable or reusable by the end of 2024. By comparison, the National Packaging Target is for 100 per cent of packaging to be reusable, recyclable or compostable, by 2025. There is also a National Packaging Target that 70 per cent of plastic packaging is recycled or composted, by 2025.

⁴⁵ Submission 92, Australian Food and Grocery Council, p 4. See also Submission 17, Australasian Bioplastics Association, p 1; Submission 90, Australian Retailers Association pp 1-2; Evidence, Mr David Stout, Director, Policy, National Retail Association, 1 June 2021, p 20.

⁴⁶ Submission 92, Australian Food and Grocery Council, p 3; Evidence, Mr Stout, 1 June 2021, p 20.

⁴⁷ Evidence, Ms Rose Read, Chief Executive Officer, National Waste and Recycling Industry Council, 1 June 2021, p 9; Evidence, Mr Khoury, 1 June 2021, p 1.

⁴⁸ Evidence, Ms Gayle Sloan, Chief Executive Officer, Waste Management and Resource Recovery Association, 1 June 2021, p 10, pp 18-19; Evidence, Mr Khoury, 1 June 2021, pp 10, 17-18.

⁴⁹ Evidence, Ms Gayle Sloan, 1 June 2021, pp 13-14.

⁵⁰ Submission 83, Southern Sydney Regional Organisation of Councils, p 10.

⁵¹ Evidence, Ms Barone, 31 May 2021, p 14.

⁵² Evidence, Mr Khoury, 1 June 2021, p 11.

- 2.36** Several stakeholders pointed out that, just because packaging is 'recyclable' does not mean it can or will be recycled in the system that exists. Ms Donnelly of APCO noted that there is a gap between what is technically able to be recycled and what can actually be collected and recovered in the existing system.⁵³ Evidence from local government and waste management industry representatives also suggested that having a target on 'recyclable' or 'compostable' packaging does not solve the challenge of getting material recycled in the system. Ms Sloan of WMRR advised that there is complexity with plastic recycling because of multiple polymers, and often multiple layers in one product,⁵⁴ and that the infrastructure to handle 'compostable' food packaging is not currently widely available.⁵⁵ The City of Sydney Council recommended that plastic recycling targets be aligned with existing or planned processing capacity.⁵⁶
- 2.37** Notably, APCO's own data shows that the National Packaging Target relating to plastic packaging actually being recycled is far from being met. APCO's submission showed that only 18 per cent of plastic packaging was recycled or composted in 2018-19, against the ultimate target of 70 per cent.⁵⁷ While APCO observed the recycling figure had seen a 'slow and steady' improvement in recent years, it suggested that a coordinated approach of government and industry is needed to achieve the 70 per cent target by 2025.⁵⁸
- 2.38** Some industry groups indicated a preference for voluntary targets and product stewardship schemes, rather than introducing more mandatory targets, and pointed to the Australian Government road map as the way to deal with these issues.⁵⁹
- 2.39** In contrast, based on lack of progress to date against plastic recycling targets, environmental advocates concluded that voluntary arrangements are insufficient. They suggested that the pace of change is too slow, and that these targets are unlikely to be met without making them mandatory, with some enforcement action.⁶⁰ Lack of progress on the National Packaging Targets led the Boomerang Alliance to conclude that, 'given the short time frame—that is 2025—in order to meet those goals, nothing but mandatory arrangements will work.'⁶¹
- 2.40** APCO representatives indicated that, as a co-regulatory agency, their role is to administer the Australian Packaging Covenant, and that if the NSW Government were to mandate targets, they would support work to deliver on that.⁶²
- 2.41** APCO also pointed out that New South Wales already has a mandatory 80 per cent recycling target for companies that choose not to become a member of APCO. The regulatory framework in New South Wales is contained in Part 8 of the Protection of the Environment Operations (Waste) Regulation 2014, administered by the Environment Protection Authority (EPA). This

⁵³ Evidence, Ms Donnelly, 31 May 2021, p 55.

⁵⁴ Evidence, Ms Gayle Sloan, 1 June 2021, p 13.

⁵⁵ Evidence, Ms Gayle Sloan, 1 June 2021, p 12.

⁵⁶ Submission 20, City of Sydney Council, p 3.

⁵⁷ Submission 48, Australian Packaging Covenant Organisation, p 2.

⁵⁸ Evidence, Ms Donnelly, 31 May 2021, p 50.

⁵⁹ For example, evidence, Mr Ian McAlister, Chief Executive Officer, Consumer Electronics Suppliers Association, 1 June 2021, pp 20-21.

⁶⁰ Evidence, Mr Cucow and Ms Noble, 31 May 2021, p 32.

⁶¹ Evidence, Mr Angel, 31 May 2021, p 2.

⁶² Evidence, Ms Donnelly, 31 May 2021, p 50.

regulation establishes two packaging targets for companies that choose to be regulated by the EPA, namely:

- 80 per cent of all material used in packaging must be recovered
- 100 per cent of new and existing packaging must be reviewed using the Sustainable Packaging Guidelines by June 2020.⁶³

2.42 APCO noted that, although civil penalties exist for companies that do not comply with their obligations, 'to date these have not been applied'.⁶⁴ Ms Donnelly of APCO told the committee that, while several organisations claim to comply with this regulation, 'none actually do'.⁶⁵ She suggested that compliance and enforcement with existing regulation is an equity issue that needs to be addressed to ensure 'recalcitrant' companies are held to account.⁶⁶

2.43 Evidence from the EPA confirmed that the EPA can and has set targets for recovery of material and review of packaging design. EPA representatives said these targets are:

- 85 per cent recovery of material used in packaging products until 30 June 2022; and
- 100 per cent of existing and 100 per cent of new packaging must be reviewed using the Sustainable Packaging Guidelines.⁶⁷

2.44 However, these targets would only apply to businesses regulated by the EPA under Part 8 of the Waste Regulation. According to the EPA, 'to date no companies are regulated by the EPA under Part 8 of the Waste Regulation'.⁶⁸

Recycled content in packaging

2.45 The bill sets a target for recycled content in packaging of 30 per cent by the end of 2024. The APCO National Packaging Targets set a target of 50 per cent average recycled content across all packaging by 2025, with specific targets for certain material types. The recycled content target for plastic packaging is 20 per cent by 2025.⁶⁹ Mr Justin Koek, Director, Circular Economy, Policy and Markets, Department of Planning, Industry and the Environment, told the committee that there are also sub-targets reflecting recyclability of different polymers.⁷⁰

2.46 The committee heard that as yet industry is making scant progress against the National Packaging Target for recycled plastic content in packaging. Mr Jeff Angel, Director of the Boomerang Alliance, told the committee that APCO's own data shows only 4 per cent of new

⁶³ Submission 48, Australian Packaging Covenant Organisation, p 6.

⁶⁴ Submission 48, Australian Packaging Covenant Organisation, p 6.

⁶⁵ Evidence, Ms Donnelly, 31 May 2021, p 53.

⁶⁶ Evidence, Ms Donnelly, 31 May 2021, p 53.

⁶⁷ Answer to question on notice, Ms Nancy Chang, Executive Director, Regulatory Policy Initiatives and Advice, Environment Protection Authority, 24 June 2021.

⁶⁸ Answer to question on notice, Ms Chang, 24 June 2021.

⁶⁹ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan 2021*, p 7.

⁷⁰ Evidence, Mr Justin Koek, Director, Circular Economy, Policy and Markets, Department of Planning, Industry and Environment, 1 June 2025, p 35.

plastic packaging contains recycled material.⁷¹ As with the 'recyclability' targets, the Alliance called for recycled content targets to be mandatory and enforceable, arguing that there is a 'longstanding and serious' problem with the voluntary approach in the packaging sector, and that only by setting legally enforceable rules will targets be met. The Alliance further suggested that reliance on consumer information via labelling is a weak approach with limited impact, in contrast to legislating requirements for industry.⁷²

- 2.47** Several stakeholders indicated that government intervention making recycled content targets mandatory is needed to create a 'level playing field' that does not disadvantage companies who move to using recycled material. Ms Monica Barone, City of Sydney Council, indicated that, while it is technically possible to create packaging from 100 per cent recycled plastic, these products look less appealing to consumers, which discourages companies from being 'first movers' in using recycled packaging. She suggested that 'this is where the nexus between legislation, regulation, working with industry and then working with the consumer comes in.'⁷³ Industry organisations raised similar concerns about the need for a level playing field, and, as noted above, APCO raised the issue of equity for companies who are trying to do the right thing when targets are not enforced.⁷⁴
- 2.48** Waste management industry representatives also indicated support for mandatory recycled content in packaging targets. Ms Rose Read, Chief Executive Officer of the National Waste and Recycling Industry Council, told the committee that the waste management industry would like to see mandated targets so that companies do actually achieve recycled content targets, and thereby create markets.⁷⁵
- 2.49** Both waste management industry and local government representatives called for a specific requirement for Australian material as part of a recycled content target. Mr Tony Khoury, Executive Director of the Waste Contractors and Recyclers Association, suggested that the recycled content target should specify 'Australian recycled content', to 'close the loop' in line with circular economy principles.⁷⁶ SSROC's submission similarly suggested that both NSW and the National Target for recycled content specify at least 50 per cent of recycled plastic made from Australian-sourced feedstock. SSROC said this requirement is important to creating a market for recycled plastic in Australia.⁷⁷
- 2.50** Mr Koek advised the committee that, in formulating its plastics policy, the NSW Government had heard concerns from industry about targets on recycled content in packaging, noting some concerns regarding the availability of recycled content due to issues with plastics collection and processing.⁷⁸ The recently-released *NSW Plastics Action Plan* sets a target to 'significantly increase

⁷¹ Evidence, Mr Angel, 31 May 2021, p 5. See Australian Packaging Covenant Organisation, *Packaging Consumption & Recycling Data 2018-2019*, pp 11-12, referenced in submission 48, Australian Packaging Covenant Organisation, p 2.

⁷² Submission 47, Boomerang Alliance, p 8.

⁷³ Evidence, Ms Barone, 31 May 2021, p 11.

⁷⁴ For example, Submission 92, Australian Food and Grocery Council, p 6; Evidence, Ms Donnelly, 31 May 2021, p 53.

⁷⁵ Evidence, Ms Read, 1 June 2021, p 9.

⁷⁶ Evidence, Mr Khoury, 1 June 2021, p 11.

⁷⁷ Submission 83, Southern Sydney Regional Organisation of Councils, p 6.

⁷⁸ Evidence, Mr Koek, 1 June 2021, p 35.

the use of recycled content by government and industry', (as per the *National Plastics Plan 2021*) but does not mandate a particular figure.⁷⁹

2.51 The Australian Food and Grocery Council submission to this inquiry summarised industry concerns on making mandatory recycled content requirements for packaging:

- lack of availability of recycled material, due to current low recycling rates of plastic
- lack of a level playing field, due to limited availability of recycled content unfairly disadvantaging small and medium enterprises
- lack of quality and quality standards for available recycled content – an issue for food grade plastics
- conflict with food safety standards, which say recycled material should not be in direct contact with food.
- technical recycled content limits for certain types of packaging
- practical difficulties of enforcement of recycled content thresholds
- the need for a system to trace materials through the recycling system.⁸⁰

2.52 In light of these constraints, the Food and Grocery Council indicated support for the voluntary and flexible arrangements under the APCO National Packaging Targets, which give brand owners time and flexibility to adapt for their particular product mix.⁸¹

2.53 The Australian Retailers Association appeared to accept the idea of a target for recycled content in packaging, but suggested this target should be calculated as an average across all types of plastic packaging, 'given that recycled content may not be feasible in some applications while higher recycled content may be possible in others.'⁸²

2.54 The Australasian Bioplastics Association noted a particular issue for bioplastics in setting targets for recycled material in plastic packaging. Mr Rowan Williams, the Association's President, advised that compostable plastics cannot and do not contain recycled content, as their end of life is designed for organics recycling such as composting.⁸³ Hence the Association advocated that requirements on recycled material in plastic only be applied to packaging that is not certified as compostable.⁸⁴

2.55 Local government representatives identified a legislative barrier to use of recycled materials posed by the definition of waste in the *Protection of the Environment Operations Act 1997* (POEO Act). Ms Sloan, SSROC, told the committee the definition of waste in the POEO Act does not easily permit waste (including plastic waste) to stop being waste and become a new resource once it is processed. She said the current order and exemption framework lacks transparency, clear time frames and appeal rights, which creates uncertainty and makes investment

⁷⁹ Department of Planning, Industry and Environment, *NSW Plastics Action Plan 2021*, p 4.

⁸⁰ Submission 92, Australian Food and Grocery Council, pp 6-7.

⁸¹ Submission 92, Australian Food and Grocery Council, pp 6-7.

⁸² Submission 90, Australian Retailers Association, p 3.

⁸³ Evidence, Mr Rowan Williams, President, Australasian Bioplastics Association, 31 May 2021, p 43.

⁸⁴ Submission 17, Australasian Bioplastics Association, p 3.

unattractive for business. She proposed the Queensland end-of-waste framework as providing a better model than that currently in place in New South Wales.⁸⁵ The SSROC recommended updating the definition of 'waste' in the POEO Act to clearly distinguish between 'waste' and 'resources' in order to encourage use of recycled materials and provide certainty for suppliers and consumers.⁸⁶

Waste-to-energy not an alternative to plastic recovery and recycling

- 2.56** Some stakeholders stressed that plastic burnt for energy recovery should not count towards plastic recycling or recovery targets, as waste incineration does not meet circular economy principles and has significant environmental downsides. The Boomerang Alliance, for example, submitted that, 'Incineration is not part of a circular economy approach ... it represents a single extraction of a resource and the large plants being proposed require the long term locking up of resources that should instead circulate in the economy time and time again'.⁸⁷ In the same vein, Animal Liberation cited research showing that proposals to incinerate waste fail to account for the substantial amounts of carbon dioxide produced.⁸⁸ Animal Liberation also pointed out that the European Union has moved away from waste incineration according to principles of a circular economy, which dictate that resources should be redeployed and reused as inputs for further production.⁸⁹
- 2.57** Waste management specialists told the committee that, according to the waste hierarchy, while using plastic waste as feedstock for energy generation is deemed better than going to landfill, this is not a solution to increasing re-use and recycling rates.⁹⁰ Ms Karinne Taylor of MRA Consulting noted that New South Wales' current policy requires that recyclables be removed from the waste stream before it can be sent to energy-from-waste.⁹¹ Ms Sloan of the Waste Management and Resource Recovery Association of Australia expressed the view that waste-to-energy has a role to play in the waste and resource recovery industry, however should only be for residual waste. She further suggested that attempting to limit plastic waste going to energy will not increase recycling and re-use rates. She suggested increasing re-use and recovery needs to be done through design, by ensuring materials that are used in packaging are capable for recycling and re-use.⁹²

Phasing out single-use plastics – scope of a ban

- 2.58** Clause 48(D)(f) of the bill sets out a list of certain single-use plastic items that would be phased out under this legislation, as outlined in chapter 1 (paragraph 1.9). As noted above, several other jurisdictions have already moved forward with their own legislation on single-use plastics, nominating particular items to be phased out. There is also a national agreement to phase out eight 'problematic' plastic types by 2025. Since this bill was drafted, the NSW Government has

⁸⁵ Evidence, Ms Helen Sloan, 31 May 2021, p 11.

⁸⁶ Submission 83, Southern Sydney Regional Organisation of Councils, p 10.

⁸⁷ Submission 47, Boomerang Alliance, p 9.

⁸⁸ Submission 88, Animal Liberation, pp 10-11.

⁸⁹ Submission 88, Animal Liberation, pp 10-11.

⁹⁰ For example, evidence, Ms Taylor, 31 May 2021, pp 23-24.

⁹¹ Answer to question on notice, Ms Karinne Taylor, MRA Consulting, received 25 June 2021.

⁹² Evidence, Ms Gayle Sloan, 1 June 2021, p 16.

released its *NSW Plastics Action Plan*, indicating an intention to ban a limited list of single-use plastic items. This section documents stakeholder views on what should be in the scope of a single-use plastic ban in NSW.

Stakeholder support in principle

- 2.59** Evidence both to this inquiry, and in consultation processes elsewhere, indicates that there is strong community support for a ban on single-use plastics. In its consultation on a proposed ban on certain single-use plastics, the Queensland government found that 94 per cent of survey respondents (predominantly individual community members) supported a ban.⁹³ A similar consultation in the ACT found 'overwhelming' support for taking action on single-use plastics, including over 90 per cent support from community survey respondents for a phase out of polystyrene, straws, stirrers, plastic-lined coffee cups or lids, plastic cutlery and plastic plates and cups, along with over 85 per cent supporting phase out of light-weight fruit and vegetable barrier bags and takeaway food containers.⁹⁴
- 2.60** Community support for government action to ban single-use plastics can be seen in the number of individual submissions to this inquiry, of which the overwhelming majority supported legislation to reduce plastic. Individual submissions showed awareness of the problem of plastic litter, and the environmental damage caused. For example:
- 'This is an urgent plea for NSW to make way-overdue bans on plastic bags and items which are killing slowly the beautiful animals on land and in the seas.'⁹⁵
 - 'We need to be making and using less plastic overall, avoiding single-use plastics completely and recycling as much as possible.'⁹⁶
 - 'It is common knowledge that single-use plastics are a massive pollution problem and not reducing and stopping their use is negligent at this time.'⁹⁷
 - 'NSW is once again caught behind the other states when it comes to environmental matters.'⁹⁸
- 2.61** Consistent with widespread community views, environmental and wildlife advocacy groups indicated support for banning single-use plastics, which are the main source of litter that ends up in the environment killing and injuring wildlife, and causing longer term environmental damage.⁹⁹

⁹³ Queensland Government, *Single-Use Plastic Product Ban: Full Consultation Report*, p 5. Referenced in correspondence from Mr Merrick to Chair, 24 May 2021, p 1, and evidence, Mr Cucow, 31 May 2021, p 29.

⁹⁴ ACT Government, *Engagement Report – Phasing out single-use plastic*, pp 11, 14. Referenced in correspondence from Ms Alison Playford to Chair, 3 June 2021.

⁹⁵ Submission 39, Ms Diana Palmer.

⁹⁶ Submission 3, Mr Rob Dexter.

⁹⁷ Submission 10, Ms Carolyn Baldwyn.

⁹⁸ Submission 15, Mr David Johnson.

⁹⁹ For example, Submission 84, WWF Australia, p 2; Submission 88, Animal Liberation, p 25; Submission 89, Australian Marine Conservation Society, p 1; Submission 55, Sea Shepherd.

2.62 Waste management specialists noted economic reasons for banning single-use plastics. MRA Consulting pointed out the high cost of collection and recovery of single-use plastics relative to other streams, making it uneconomic to recycle. It suggested that the simplest solution is to limit their use in the economy in the first place, and that a ban is often more effective than trying to collect and then recycle widely distributed light plastics.¹⁰⁰ This is in line with the agreed waste hierarchy of 'avoiding' then 'reducing' waste as first preferences.

What should be covered?

2.63 Stakeholders observed some difference in what single-use plastics would be banned under this legislation compared to the eight plastic types in the national agreement. Some inquiry participants encouraged the NSW Government to go beyond what is in the national agreement; others stressed the importance of aligning with the national agreement and measures already taken in other jurisdictions as far as possible, to achieve a harmonised national approach.

2.64 WWF Australia supported the more 'comprehensive' list of problematic single-use plastics captured by clause 48D of the bill, and suggested it be retained, along with the ability to proscribe additional types of plastic waste through regulation.¹⁰¹ The Boomerang Alliance also generally supported a longer list of items to be phased out (with some adjusted timeframes), and suggested that as a priority New South Wales should phase out: single-use plastic bags; plastic straws and stirrers; plastic utensils and cutlery; plastic plates and bowls; polystyrene foodware; oxo-degradable plastic products; plastic lined coffee cups; and lids and plastic containers. The Alliance suggested these are all a destructive source of ocean plastic pollution and that all have viable alternatives.¹⁰²

2.65 Community organisations, based on experience cleaning up plastic pollution in the community, recommended some specific items be included in a ban, such as:

- lollipop sticks
- cigarette butts
- plastic cotton buds
- plastic balloon sticks and related attachments (and release of plastic balloons)
- plastic labelling
- polystyrene food containers
- dome-shaped cup lids
- plastic ring carriers
- non-compostable wet wipes which are marketed as flushable
- plastic glitter
- plastic fruit and vegetable and bait bags

¹⁰⁰ Submission 51, MRA Consulting, p 1.

¹⁰¹ Submission 85, WWF Australia, p 2.

¹⁰² Submission 47, Boomerang Alliance, pp 1-2, 6-7.

- heavyweight plastic bags.¹⁰³

- 2.66** While many of these items are already covered in this bill, and some are in the *NSW Plastics Action Plan*, some are not listed for phase-out in the *NSW Plastics Action Plan*.
- 2.67** Industry groups expressed support for the bill's intention of phasing out unnecessary single-use items, but suggested that, as with the targets discussed in earlier sections, industry needs national consistency, clarity and certainty in what is included in a ban. The Australian Food and Grocery Council suggested that there should be a nationally consistent list agreed in all jurisdictions.¹⁰⁴ Mr David Stout, Chief Executive Officer of the National Retail Association, told the committee that his organisation was still struggling with clear definitions of 'single-use' and 're-use', and currently this is a very subjective test.¹⁰⁵ The CSIRO noted that inconsistency across state and territory jurisdictions in relation to phasing out of single-use plastic has caused confusion for consumers and further, has hindered industry and local government responses to managing waste and promoting a circular economy.¹⁰⁶
- 2.68** Food producers and retailers argued that some single-use plastics proposed for phase-out under this bill serve a useful purpose for which there are not currently adequate alternatives. In particular, they argued that plastic packaging serves an important role in food safety and quality, and extending the shelf-life of food.¹⁰⁷ The Australian Fresh Produce Alliance argued against phasing out plastic fruit and vegetable packaging within six months, citing research that shows plastic packaging plays an important role in reduction of food waste, which itself has an adverse environmental impact.¹⁰⁸ Similarly, the Australian Retailers Association called for an exemption of food-grade packaging from a single-use plastics ban due to the role it plays maintaining food safety and quality and extending shelf-life.¹⁰⁹
- 2.69** Suppliers of electronic goods suggested polystyrene plays an important role in the transport of certain electronic goods and large appliances, and expressed concern about timeframes for banning polystyrene. The Australian Information Industry Association suggested that government consult with industry on appropriate timeframes for legislating against polystyrene packaging.¹¹⁰ Mr Ian McAlister, Chief Executive Officer of the Consumer Electronics Suppliers Association, told the committee there is currently no alternative to expanded polystyrene (EPS) for protection of large appliances. He suggested that, as EPS is recyclable, it makes sense to get it out of landfill, and that the industry supports alternative approaches such as product stewardship and polystyrene collection schemes to improve recycling rates.¹¹¹

¹⁰³ Submission 50, ParraParents, p 1; Submission 57, So Shire, pp 1-3; Submission 22, Clean Up Australia, p 3; Submission 55, Sea Shepherd, p 4; Submission 89, Australian Marine Conservation Society, p 3; Individual submissions, for example, Submissions 60-71 are from individuals requesting specific action on plastic dome lids.

¹⁰⁴ Submission 92, Australian Food and Grocery Council, pp 4-5.

¹⁰⁵ Evidence, Mr Stout, 1 June 2021, p 20.

¹⁰⁶ Submission 54, CSIRO, p 2.

¹⁰⁷ For example, Submission 92, Australian Food and Grocery Council, pp 4-5.

¹⁰⁸ Submission 46, Australian Fresh Produce Alliance, p 3.

¹⁰⁹ Submission 90, Australian Retailers Association, p 2.

¹¹⁰ Submission 51, Australian Information Industry Association, p 1.

¹¹¹ Evidence, Mr McAlister, 1 June 2021, p 20.

Exemption for accessibility and medical purposes

- 2.70** The bill as drafted contains a clause designed to ensure the bill does not ban items needed for accessibility or medical purposes. Clause 48G provides that plastics elimination targets are subject to legitimate reasons for manufacturing, selling or distributing single-use plastics related to meeting the needs of people who require items to be able to eat and drink safely and comfortably, or that are required for medical, therapeutic or health-related purposes.
- 2.71** Despite this clause, there was concern about the impact on people with disability of a ban on single-use plastics, in particular plastic drinking straws. The Physical Disability Council of NSW submitted that plastic drinking straws are commonly used by people with a range of physical conditions to enable them to eat and drink, and there is currently no market equivalent that matches the advantages of plastic straws. The Council acknowledged that clause 48(G) of the bill is intended to provide an exemption so that plastic straws could be provided to people with a disability who require them to eat safely and independently. However it was concerned that the bill as drafted would 'medicalise' plastic straws, making them harder to purchase, and potentially requiring people with disability to carry straws with them in public, or have some kind of 'licence' demonstrating a need to have a straw.¹¹² Ms Serena Ovens, Chief Executive Officer of the Disability Council of NSW, suggested that limiting the availability of plastic drinking straws would constrict the market, and thereby increase the cost to people with a disability.¹¹³ She suggested that retailers and suppliers be required to keep some stock so that people who need straws can request them.¹¹⁴
- 2.72** In contrast, there was some support for restricting use of single-use plastics in the health sector. Sincere Medical Australia (trading as EcoAid BioTech), a manufacturer of biodegradable medical consumables, pointed to estimates that 25 per cent of hospital waste is plastic, and suggested that more could be done in regulation to encourage use of replacement materials for plastic in hospitals.¹¹⁵

Should single-use bioplastics be included?

- 2.73** The committee heard arguments both for and against including bioplastics in the scope of a ban on single-use plastics. Compostable bioplastics,¹¹⁶ derived from plant-based material, have been put forward by some as providing a ready alternative to many of the conventional single-use plastic items that would be phased out under this bill.¹¹⁷ Yet local government representatives pointed out that, in order to minimise their impact on the environment, compostable items need

¹¹² Evidence, Ms Serena Ovens, Chief Executive Officer, Physical Disability Council of NSW, 31 May 2021, p 40.

¹¹³ Evidence, Ms Ovens, 31 May 2021, p 40.

¹¹⁴ Evidence, Ms Ovens, 31 May 2021, p 41.

¹¹⁵ Submission 18, Sincere Medical Australia (trading as EcoAid BioTech Australia), p 2.

¹¹⁶ Bioplastics are plant-based plastics, such as Polylactic Acid (PLA), as opposed to 'conventional' plastics derived from petroleum, such as polyethylene, polypropylene, polystyrene, PVC etc. According to the Bioplastics Association of Australasia, 'certified compostable' plastics suitable for anaerobic digestion are those materials that conform to the Australian standard AS 4736:2006 or AS 5810-2010.

¹¹⁷ For example, Submission 21, BioPak, p 5.

to be separately collected and go to a composting facility. If they do not, they are likely to end up as litter or contaminating recycling streams.¹¹⁸

2.74 Inquiry participants put forward a number of arguments in favour of including bioplastics in the scope of a ban on single-use plastic items.

- There is not currently the public infrastructure or regulatory regime to deal with disposal of bioplastics, which need to go into the food and garden organics (FOGO) stream.¹¹⁹
- Compostable packaging items need to be separately collected, and can't be processed in existing recycling infrastructure that is designed for polyethylene terephthalate (PET) and other rigid plastics, glass, metals and paper.¹²⁰
- While there is a role for compostable single-use bags in getting food and organic waste into FOGO bins, the FOGO system is not set up to deal with large quantities of compostable packaging.¹²¹
- Bioplastics are very confusing to the general public, who are often not clear where to dispose of them.¹²²
- Replacing a single-use plastic with a compostable item that is also not re-usable or recoverable may not be the best use of resources. More thought needs to be put into each substitution.¹²³

2.75 The *NSW Plastics Action Plan* indicates that the NSW Government proposes to include compostable plastic equivalents in single-use items phased out under its forthcoming legislation. The reasoning given is that bioplastic food service items only break down in industrial composting facilities, whereas these items are highly littered and unlikely to be disposed of at the appropriate composting facilities.¹²⁴

2.76 Conversely, manufacturers of bioplastic argued for excluding plant-based plastics from the proposed definition of 'plastic' to be phased out under this bill, and hence from a ban on single-use plastics. Biopak, a manufacturer of bioplastic food packaging, told the committee:

- compostable, plant-based products provide ready alternatives to many of the single-use plastic products due to be phased out in this bill, and are sometimes the only alternatives to banned items
- compostable plastic is turned into nutrient-rich compost that can be used to improve soils, in line with circular economy principles
- where there are issues with 'compostability', and confusion over what is compostable, certification and clear labelling are key to working with the composting industry

¹¹⁸ For example, Submission 20, City of Sydney Council, p 3.

¹¹⁹ Evidence, Ms Gayle Sloan, 1 June 2021, p 12.

¹²⁰ Submission 20, City of Sydney Council, p 3.

¹²¹ Evidence, Ms Gayle Sloan, 1 June 2021, p 12.

¹²² Evidence, Ms Gayle Sloan, 1 June 2021, p 12.

¹²³ Submission 17, Australasian Bioplastics Association, p 2.

¹²⁴ Department of Primary Industry, Energy and the Environment, *NSW Plastics Action Plan 2021*, p 5.

- an increasing number of councils are implementing FOGO collections that accept compostable packaging, and are likely to become more confident to accept bioplastics in this stream as single-use plastics are phased out
- bioplastics are continuing to evolve, with more blends now able to be composted in a home environment.¹²⁵

2.77 Some community groups, such as Clean Up Australia, argued that certified compostable bioplastics should be excluded from a ban on single-use plastic items.¹²⁶ If exempted from a ban, some suggested that there is a need to ensure bioplastic alternatives are compostable to Australian standards.¹²⁷

2.78 The committee heard arguments for greater investment in composting infrastructure, to enable the potential benefits of bioplastics to be realised. Sincere Medical Australia suggested that plant-based medical products provide a more environmentally friendly alternative to single-use plastics in hospitals, and that investment in composting infrastructure is needed, so that hospitals are able to safely dispose of compostable medical waste.¹²⁸ The City of Sydney Council flagged that collection infrastructure and processing capacity will need to be created in order to accommodate compostable plastics.¹²⁹

2.79 Many stakeholders pointed out that unclear standards and labelling for bioplastics adds to consumer confusion about compostability and how to dispose of bioplastic waste. The City of Sydney Council signalled that, even once infrastructure for handling compostable packaging is established, consumer education on compostable packaging disposal will also be needed.¹³⁰

Oxo-degradable ('fragmentable technology') plastic

2.80 One issue causing confusion around the issue of bioplastics is the presence in the market of 'oxo-degradable' plastics that have been marketed as 'degradable', or 'biodegradable', leading consumers to think they are a more environmentally friendly choice than conventional plastic. Oxo-degradable plastics are plastics that fragment when exposed to heat or UV light.¹³¹ Oxo-degradable plastics, by design, break up into microplastics, which can leach toxic chemicals that harm the environment.¹³² The Australasian Bioplastics Association suggested that the term 'photo fragmentable' is more appropriate for these products than 'oxo-degradable' or 'oxo-biodegradable'.¹³³

2.81 Two main reasons for banning oxo-degradable plastics were cited: first was the harm done to the environment by plastics that are designed to break up into smaller pieces easily ingested by

¹²⁵ Submission 21, Biopak, p 5.

¹²⁶ Submission 22, Clean Up Australia, p 3.

¹²⁷ Submission 55, Sea Shepherd, p 5.

¹²⁸ Submission 18, Sincere Medical Australia, pp 2-3; Evidence, Mr Patrick Liu, Chief Executive Officer, EcoAid BioTech, 31 May 2021, p 45.

¹²⁹ Submission 20, City of Sydney Council, p 3.

¹³⁰ Submission 20, City of Sydney Council, p 3.

¹³¹ See for example, Submission 17, Australasian Bioplastics Association, p 5.

¹³² NSW Government, *Cleaning Up Our Act: Redirecting the Future of Plastic in NSW*, p 15.

¹³³ See for example, Submission 17, Australasian Bioplastics Association, p 5.

wildlife and which leach dangerous chemicals into the soil.¹³⁴ Second was the confusion that such products cause for consumers, which leads to contamination in the waste sector, as plastics that are not compostable are put in a composting stream, and vice versa.¹³⁵ While they are sometimes marketed as 'biodegradable', they are not compostable, and cannot be included in organics recycling as they cause too much contamination.¹³⁶

- 2.82** There is widespread agreement that 'oxo-degradable' plastic should be phased out nationally. The *National Plastics Plan 2021* aims to phase out 'non-compostable plastic packaging products containing additive fragmentable technology that do not meet relevant compostable standards' through voluntary measures first and consideration of regulatory action should industry phase outs not be achieved by July 2022.¹³⁷ Queensland's legislation banned oxo-degradable plastics in its first tranche, taking effect on 1 September 2021, while South Australia and the ACT have flagged oxo-degradable plastics for phase out in their respective second tranches, expected in 2022.¹³⁸
- 2.83** Most organisations making submissions to this inquiry expressed support for banning oxo-degradable plastic.¹³⁹ For example, the Australasian Bioplastics Association submitted that all 'fragmentable technology' products, which are not and cannot be certified as compostable in line with any prevailing standards, contribute to the creation of microplastic, and are therefore unsuitable as single-use plastic.¹⁴⁰ The National Retail Association's roadmap to phasing out single-use plastics indicates support for a ban on oxo-degradable products 12 months from the passage of legislation.¹⁴¹
- 2.84** Despite the federal government's *National Plastics Plan 2021*, and stakeholder support for banning oxo-degradable plastics in a short time frame, the *NSW Plastics Action Plan* lists oxo-degradable plastics as one of the items to be 'reviewed in 3 years ... to determine whether a phase out is appropriate at that time'.¹⁴²

Phasing of a ban

- 2.85** As noted in chapter 1 (paragraph 1.9-1.10), the bill proposes phased implementation of a ban on single-use plastics, with phase-out target dates ranging from three months to three years after

¹³⁴ For example, Submission 89, Australian Marine Conservation Society, p 3, and Evidence, Dr Wilson, 1 June 2021, pp 2-8.

¹³⁵ See, for example evidence, Ms Helen Sloan, 31 May 2021, p 11; evidence, Ms Gayle Sloan, 1 June 2021, p 12.

¹³⁶ Submission 17, Australasian Bioplastics Association, p 7, AORA/ABA Joint Position Paper on Certified Compostable Bioplastics.

¹³⁷ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan 2021*, p 3.

¹³⁸ Summarised in Submission 47, Boomerang Alliance, pp 4-5.

¹³⁹ See, for example, Submission 17, Australasian Bioplastics Association; Submission 22, Clean Up Australia; Submission 23, National Retail Association, p 9; Submission 47, Boomerang Alliance, p 2; Submission 57, SO Shire, p 3; Submission 89, Australian Marine Conservation Society, p 3.

¹⁴⁰ Submission 17, Australasian Bioplastics Association, p 5.

¹⁴¹ Submission 23, National Retail Association, p 7.

¹⁴² Department of Planning, Industry and Environment, *NSW Plastics Action Plan 2021*, p 6.

commencement of the legislation. It further proposes a mechanism for additional items to be banned through regulation.

- 2.86** The national agreement on phasing out single-use plastics announced on 15 April 2021 (see paragraph 2.11) sets 2025 as the target date to phase out eight 'problematic' single-use plastics nationally.¹⁴³ While this is the latest that New South Wales's legislation should take effect, other jurisdictions have already passed legislation banning certain products, and have earlier planned phase-out dates for others.
- 2.87** The *NSW Plastics Action Plan*, released during this inquiry (see paragraphs 2.20 to 2.24), stated the NSW Government's intention to phase out lightweight plastic shopping bags six months after the passage of legislation, and six single-use plastic items (including degradable or compostable alternatives) after one year. Other items – including many flagged in this bill for phase out in shorter time frames – are proposed to be reviewed in three years to consider whether alternatives are available and 'to determine whether a phase out is appropriate at that time'.¹⁴⁴
- 2.88** The Boomerang Alliance's submission to this inquiry summarised the status of various state and territory bans. South Australia, Queensland and the ACT have each banned a first tranche of single-use plastics starting in 2021, with further tranches to be banned between 2022 and 2024. Following behind are Western Australia and Victoria, which have announced plans to ban certain items by 2023. As of April 2021 (when the NSW Government had not yet announced any timeframe for phasing out single-use plastics), the Alliance noted that the NSW Government was behind all these jurisdictions in banning single-use plastics.¹⁴⁵
- 2.89** The Boomerang Alliance stressed that the national commitment is to phase out problematic single-use plastics *before* 2025. It argued that there is no reason to have a long lead-time to phase out items that have already been banned in other states after consultation, and where industry is already prepared. Thus, the Alliance recommended such items be phased out by no later than the end of 2021.¹⁴⁶
- 2.90** The National Retail Association, noting measures that have already been taken in South Australia, the ACT and Queensland, indicated support for the NSW Government to harmonise efforts nationally. It proposed its own 'roadmap to phasing out single-use plastics', recognising complexity for industry, and taking into account what has already been done in other jurisdictions. According to this roadmap, items such as light-weight plastic shopping bags, single-use plastic stirrers, straws, cutlery, plates and bowls, polystyrene food containers, oxo-degradable plastics and plastic balloon sticks should be banned within 12 months of passage of the legislation, with some exemptions. The roadmap proposed longer timeframes (three to five years) for other items such as single-use plastic-coated plates and bowls, single-use plastic takeaway containers and lids, sauce sachets, and noted further innovation will be needed if bioplastics are not allowed on the basis that viable safe alternatives are limited.¹⁴⁷

¹⁴³ Correspondence from Mr James Tregurtha to Chair, 26 May 2021, Attachment A p 2.

¹⁴⁴ Department of Planning, Industry and Environment, *NSW Plastics Action Plan 2021*, pp 5-6. See also correspondence, The Hon Matt Kean, received 23 July 2021, p 1.

¹⁴⁵ Submission 47, Boomerang Alliance, pp 4-6.

¹⁴⁶ Submission 47, Boomerang Alliance, p 6.

¹⁴⁷ Submission 23, National Retail Association, p 7.

- 2.91** Other stakeholders suggested that plans to ban single-use plastics (including the phasing of any such ban) should be done in the context of the longer term twenty year waste strategy and plastics plan that the NSW Government was known to be developing (and has since announced). The Australian Packaging Covenant Organisation indicated support for the role of the NSW Government to legislate to advance objectives and priorities on plastics and packaging, in line with its longer term strategy.¹⁴⁸

Need for improved labelling and standards on 'compostable' and 'recyclable' plastic

- 2.92** Evidence to this inquiry showed that the issues of 'recyclability' and 'compostability' of different types of plastics are confusing to consumers, contributing to contamination in waste streams that affects resource recovery. Many stakeholders noted that, not only is the terminology around 'degradable' versus 'compostable' packaging confusing: there is insufficient consistency in labelling and standards for compostable and other types of plastic.

Compostable plastic standards

- 2.93** There are relevant Australian standards for compostable bioplastics, which are referenced in the *National Plastics Plan 2021*.¹⁴⁹ The Australasian Bioplastics Association administers voluntary verification schemes, for companies to have the claims of compliance with 'commercial composting' or 'home composting' standards verified.¹⁵⁰
- 2.94** Despite the existence of these standards, submissions from local government to the inquiry indicated that there is still a level of uncertainty among consumers that affects waste disposal and recovery. The Hills Shire Council noted that compostable and biodegradable plastics have the potential to complicate waste management, and suggested consumer education is required, as well as consistency in how compostable plastics are labelled.¹⁵¹ Penrith City Council also noted the importance of consistency in standards of compostable packaging, and suggested that labelling needs to reflect whether items can be handled by home and commercial composting systems according to Australian Standards of Composting.¹⁵²
- 2.95** The confusion around labelling and standards for compostable plastics led a number of local government organisations to call for legislation. The SSROC suggested that legislation require packaging marketed as 'compostable' to only use materials that are certified as industrially or home compostable according to the relevant standards.¹⁵³ The Hills Shire Council suggested that legislation dealing with plastics reduction should have provisions relating to labelling of compostable and biodegradable plastics, and ensure use of these plastics complement rather than compromise existing waste management systems.¹⁵⁴

¹⁴⁸ Submission 48, Australian Packaging Covenant Organisation, pp 6-7.

¹⁴⁹ The *National Plastics Plan 2021* lists relevant standards for compostable plastics as AS4736-2006, AS5810-2010 and EN13432, *National Plastics Plan 2021*, p 3.

¹⁵⁰ Submission 17, Australasian Bioplastics Association, pp 1-2.

¹⁵¹ Submission 91, The Hills Shire Council, p 1.

¹⁵² Submission 53, Penrith City Council, p 1.

¹⁵³ Submission 83, Southern Sydney Regional Organisation of Councils, p 6.

¹⁵⁴ For example, Submission 90, The Hills Shire Council, p 1.

2.96 The issue of 'greenwashing' – where products that are environmentally harmful as they degrade are marketed with environmentally-friendly sounding terminology such as 'degradable' – was raised in several submissions. SSROC proposed that 'greenwashing' terminology on product labels be prohibited, along with associated symbols on consumer packaging, to reduce consumer confusion.¹⁵⁵ The issue of greenwashing is also noted in the *National Plastics Plan 2021*, which suggests the Australian Government's approach is to refer companies making false or misleading labelling and environmental claims to the Australian Competition and Consumer Commission for investigation.¹⁵⁶

Plastic recycling labelling

2.97 Beyond the issue of compostable plastics, there were concerns raised in evidence about a lack of clarity among consumers on what plastic items are actually recyclable, and how to correctly dispose of them. The Boomerang Alliance highlighted the need for greater clarity and standards nationally on what 'reusable' and 'recyclable' mean.¹⁵⁷ Based on experience with local government, Ms Sloan of SSROC suggested there is a problem with 'uncontrolled and misleading' labelling which confuses people and contributes to contamination in the recycling bin.¹⁵⁸

2.98 The Australian Packaging Covenant Organisation advised the committee that it launched an 'Australasian Recycling Label' at the national level in 2018, which has more than 500 participating companies.¹⁵⁹

2.99 Local government representatives, including SSROC, suggested legislation is needed to regulate the use of recyclability claims and symbols, and mandate a uniform recyclability label such as the Australasian Recycling Label (ARL).¹⁶⁰ Ms Dawson, Waste and Sustainability Manager with the City of Sydney Council, pointed out there are items for sale that have a 'recycling' label, but that cannot be recycled in existing systems.¹⁶¹ Ms Helen Sloan, General Manager, SSROC, suggested that mandatory use of a uniform recycling label, such as the Australasian recycling label would help both the environment and the economy.¹⁶²

2.100 Consistent with these concerns, the committee heard that product labelling needs to be clear and easy for consumers to understand. Ms Tracy Chalk, Waste and Resource Recovery Manager, Penrith City Council, suggested that 'recyclable packaging needs to ensure it is easy and convenient for residents and that recycling options are clearly provided on the packaging.' This point was also made by Ms Terrie Johnson, Clean Up Australia, who suggested consumers need clear labelling so they can make quick decisions on what to buy and how to dispose of it.¹⁶³

¹⁵⁵ Submission 83, Southern Sydney Regional Organisation of Councils, p 6.

¹⁵⁶ Australian Government, Department of Agriculture, Water and the Environment, *National Plastics Plan*, p 8.

¹⁵⁷ Evidence, Mr Toby Hutcheon, Campaign Manager, Boomerang Alliance, 31 May 2021, p 7.

¹⁵⁸ Evidence, Ms Helen Sloan, 31 May 2021, p 11.

¹⁵⁹ Submission 48, Australian Packaging Covenant Organisation, p 5; Evidence, Ms Donnelly, 31 May 2021, p 52.

¹⁶⁰ Submission 83, Southern Sydney Regional Organisation of Councils, pp 5-6.

¹⁶¹ Evidence, Ms Chalk, 31 May 2021, p 10.

¹⁶² Evidence, Ms Helen Sloan, 31 May 2021, p 11.

¹⁶³ Evidence, Ms Terrie-Ann Johnson, Clean Up Australia, 31 May 2021, p 35.

Plastics Reduction Commission – a forward agenda for reducing plastic waste

- 2.101** As noted in chapter 1, division 4 of the bill seeks to establish a Plastics Reduction Commission, led by an appointed Commissioner. The commission would provide the Minister with independent advice on the management of plastics pollution, as well as carry out a range of specific functions such as recommending state-wide standards and mechanisms to reduce plastics pollution, liaising with industry in preparation of plans and targets, undertaking inquiries, undertaking audits of compliance with plastic elimination targets, and coordinating information gathering on plastic pollution.¹⁶⁴
- 2.102** Many stakeholders expressed frustration with the lack of movement on New South Wales' twenty year waste strategy and plastics plans, going so far as to suggest New South Wales has been in a 'policy vacuum' on waste management, while other states have set out longer term strategies.¹⁶⁵ There were clear calls for greater focus on waste management within the structure of the NSW Government, with a Plastics Reduction Commission recognised as a way to sharpen focus on this issue within government.
- 2.103** Mr Angel of the Boomerang Alliance suggested that New South Wales' 'environmental bureaucracy' has not been on the front foot on the plastics issue, and that a dedicated plastics commission could bring greater focus and momentum in decision making.¹⁶⁶ Similarly, Mr Khoury of the Waste Contractors and Recycling Association called for a dedicated Environment Minister as a means of achieving greater focus on waste management issues.¹⁶⁷ Dr Scott Wilson, AUSMAP, saw the Plastics Reduction Commission as 'definitely a step forward' in environmental controls to stop plastic getting into the environment, noting, 'we definitely need more effort in this space because it is a sleeping issue.'¹⁶⁸
- 2.104** Many stakeholders to this inquiry stressed the need for strong leadership and coordination of a forward agenda to reduce plastic pollution in New South Wales, beyond the setting of targets and phasing out of certain products. Witnesses from the Boomerang Alliance suggested that having a commission to look at, and lead on, the longer-term issues of plastic reduction would be a welcome development.¹⁶⁹ They argued that, while there is a need to take action on single-use plastics now, there are other major sources of plastic pollution that still need addressing, with the proposed commission having an important role to play in leadership and coordination into the future.¹⁷⁰
- 2.105** A number of stakeholders suggested that a Plastics Reduction Commission could play an important role in coordinating consultation with different stakeholder groups. While it had concerns about the potential for adding a layer of bureaucracy, the Australian Retailers Association indicated a Commissioner could play an important role working with industry on

¹⁶⁴ Waste Avoidance and Resource Recovery (Plastics Reduction) Bill 2021, Cl 48P.

¹⁶⁵ For example, Evidence, Ms Gayle Sloan, 1 June 2021, p 10; Evidence, Mr Toby Hutcheon, 31 May 2021, p 7.

¹⁶⁶ Evidence, Mr Angel, Boomerang Alliance, 31 May 2021, p 7.

¹⁶⁷ Evidence, Mr Khoury, 1 June 2021, p 10.

¹⁶⁸ Evidence, Dr Wilson, 1 June 2021, p 8.

¹⁶⁹ Evidence, Mr Angel, Boomerang Alliance, 31 May 2021, p 6 and Mr Hutcheon, 31 May 2021, p 7.

¹⁷⁰ Evidence, Mr Angel, Boomerang Alliance, 31 May 2021, p 2.

plans to phase out plastics.¹⁷¹ Sea Shepherd submitted that a Plastics Reduction Commission could engage with stakeholders such as environmental conservation groups, especially as it gathered information about the sources and impact of plastic in New South Wales.¹⁷² SSROC proposed that the Commission bring together representatives from companies in the supply chain, associations representing these companies, and research institutions such as the CSIRO and the University of NSW that research technologies to reduce plastic.¹⁷³ The Physical Disability Council of NSW suggested a Commission could consult with people with disability on research and innovation on non-plastic alternatives to single-use plastic items that people with disability currently rely on.¹⁷⁴ Likewise, Mr Tony Khoury of the Waste Contractors and Recyclers Association indicated waste management representatives would want to be represented through the Commission.¹⁷⁵

2.106 Several stakeholders proposed specific roles that a Plastics Reduction Commission could undertake, to design and deliver a more nuanced agenda for plastic reduction in New South Wales. These included:

- leading work to establish design criteria around whether plastics enter the economy, and considering areas where a more nuanced response than a ban is needed, such as food packaging¹⁷⁶
- improving availability and quality of data on plastic waste, recovery and recycling to enable New South Wales to set and monitor plastics reduction targets¹⁷⁷
- leading and consulting on strategies to design affordable and effective non-plastic alternatives to single use plastic items that are exempt from the ban due to accessibility or medical requirements¹⁷⁸
- undertaking further work on plastics, such as moulded polystyrene, not banned in the short term, but which require greater focus on resource recovery¹⁷⁹

2.107 While many stakeholders argued further attention and leadership from government on waste management and resource recovery is needed, not all agreed that the Plastics Reduction Commission proposed in this bill is the best way forward. Ms Read of the National Waste and Recycling Industry Council suggested a commission would be effective at creating priority, but questioned whether it would be effective at compelling change.¹⁸⁰ Ms Gayle Sloan of the Waste Management and Resource Recovery Association of Australia, thought that a commission focusing on one waste stream would be 'overkill'. She advocated instead that New South Wales look to establish a market development agency similar to Green Industries South Australia,

¹⁷¹ Submission 90, Australian Retailers Association, p 3.

¹⁷² Submission 55, Sea Shepherd, p 4.

¹⁷³ Submission 83, Southern Sydney Regional Organisation of Councils, p 9.

¹⁷⁴ Submission 56, Physical Disability Council of NSW, p 4.

¹⁷⁵ Evidence, Mr Khoury, 1 June 2021, p 11.

¹⁷⁶ Evidence, Ms Taylor, 31 May 2021, p 21.

¹⁷⁷ For example, Submission 83, Southern Sydney Regional Organisation of Councils, p 9.

¹⁷⁸ Submission 56, Physical Disability Council of NSW, pp 2, 4.

¹⁷⁹ Submission 83, Southern Sydney Regional Organisation of Councils, p 8.

¹⁸⁰ Evidence, Ms Read, 1 June 2021, p 9.

which focuses on material and resource efficiency across the economy, as part of South Australia's circular economy strategy.¹⁸¹

Issues requiring further leadership from government

2.108 Whether or not a Plastics Reduction Commission is the best structure to drive a forward agenda on plastics, stakeholders to this inquiry raised a range of issues that will need enhanced and ongoing focus from government, to achieve sought after reductions in plastic waste. They included:

- addressing contents and definitions, and consulting on, future phases of a plastics ban¹⁸²
- addressing the longer term issues of plastic reduction, beyond the single-use plastics issue¹⁸³
- setting minimum reporting requirements for industry to provide a stronger information base about plastic reduction¹⁸⁴
- setting design standards for packaging, to set standards around whether plastic enters the economy and ensure that packaging can be recycled¹⁸⁵
- addressing issues that affect availability and uptake of recycled content to meet packaging targets¹⁸⁶
- setting strategy that guides the infrastructure and collection systems needed for processing plastic waste into the future¹⁸⁷
- setting and enforcing labelling standards on 'compostable' and 'degradable' plastics
- establishing or engaging in product stewardship schemes, making producers responsible for end-of-life outcomes of the goods and packaging they supply¹⁸⁸
- dealing with environmental and potential health harm from microplastics¹⁸⁹
- improved mechanisms for consulting and coordinating with industry on single-use plastic phase-outs and the longer term agenda for plastics reduction.¹⁹⁰

2.109 There were also calls for greater community awareness raising on a range of issues, including:

¹⁸¹ Evidence, Ms Gayle Sloan, 1 June 2021, pp 10, 12.

¹⁸² For example, evidence Mr Angel, 31 May 2021, p 2; evidence, Mr Stout, 1 June 2021, p 27.

¹⁸³ Evidence, Mr Angel, 31 May 2021, p 2.

¹⁸⁴ Submission 53, Penrith City Council, p 2.

¹⁸⁵ For example, evidence, Ms Gayle Sloan, 1 June 2021, pp 13-14; evidence, Ms Taylor, 31 May 2021, p 21.

¹⁸⁶ For example, evidence, Mr Koek, 1 June 2021, p 35.

¹⁸⁷ For example, evidence, Ms Gayle Sloan, 1 June 2021, p 17.

¹⁸⁸ For example, evidence, Mr McAllister, 1 June 2021, p 20.

¹⁸⁹ Evidence, Dr Wilson, 1 June 2021, p 8; Evidence Mr Koek, p 34.

¹⁹⁰ Evidence, Mr Khoury, 1 June 2021, p 11.

- education on plastic recycling, so the community understands whether plastics are being recycled, and how to correctly dispose of them¹⁹¹
- education/awareness raising on issues of 'compostable' and 'degradable' plastics
- educating suppliers and retailers on their responsibilities as plastic bans are introduced¹⁹²
- responsibilities of food and retail outlets to accommodate the needs of people with disabilities, in the event of single-use plastic straws being banned.¹⁹³

2.110 It is likely that many of these issues were raised directly with the NSW Government by stakeholders in consultation on the *NSW Plastics Action Plan*, which received some 16,000 submissions, and which many stakeholders to this inquiry also participated in.

Committee comment

2.111 In the committee's view there are compelling reasons to act urgently to reduce the amount of plastic waste being generated in New South Wales, starting with banning certain single-use plastics. The harm discarded plastic does to marine environments and fauna is well understood. The evidence concerning the impact of microplastics in both land and marine ecosystems is becoming clearer over time, and the potential health consequences of microplastics in the environment are alarming. The committee has heard and accepts evidence on the harm plastic waste is doing in the environment, and the need to take action.

2.112 It is also clear that New South Wales has been lagging behind other states, and the national agenda in this policy area. Three states and territories in Australia have already introduced phased single-use plastic bans, and there is a national agreement to ban certain single-use plastics by 2025. This bill was introduced to pressure the NSW Government to take action in New South Wales to address the plastic problem.

2.113 The committee was pleased to see the NSW Government release its long-awaited *NSW Waste and Sustainable Materials Strategy* and *NSW Plastics Action Plan* in June 2021, following the release of this bill and the commencement of this inquiry. We also appreciate that the waste strategy and plastics plan provide a framework for the government's own legislation progressing many of the provisions of this bill. The NSW Government has now indicated its commitment to legislate the phasing out of a small number of single-use plastic items, and to review certain others in three years' time, with a view to determining whether these will be phased out through legislation also.

2.114 We know from this inquiry that there is strong public support for a ban on single-use plastics, demonstrated both in evidence to this committee, and in consultation already done in other states. Affected industries, while having some concerns about the scope and phasing of a ban, are chiefly concerned with having harmonised national arrangements that enable businesses to act consistently across markets and at scale. It appears to the committee that industry accepts the inevitable and is primarily seeking that government ensure that the process of change is clear

¹⁹¹ Evidence, Mr Khoury, 1 June, 2021, p 11.

¹⁹² For example, evidence, Mr Stout, 1 June 2021, p 27.

¹⁹³ Evidence, Ms Stone, 31 May 2021, p 41.

and, as far as possible, in line with other states so that industry can plan and adapt in an optimal way.

- 2.115** We encourage the NSW Government to act quickly on its long-awaited commitment to legislate the phasing out of certain single-use plastics, taking account of the evidence gathered in this inquiry, as well as its own consultation process.
- 2.116** We note concerns raised by disability advocacy organisations about the implications of a ban on plastic drinking straws for inclusion of people with disability. We urge the government to separately consult with disability organisations on this matter and ensure that any ban does not restrict access of people with a disability to drinking straws.
- 2.117** There are a number of issues examined in this inquiry for government to consider in drafting its legislation. In the committee's view, the NSW Government legislation should:
- include a more comprehensive list of problematic single-use items and oxo-degradable ('fragmentable technology') plastic in the scope of the ban than flagged in the *NSW Plastics Action Plan*, noting both evidence to this inquiry of strong community support for certain additional problematic items to be banned, and that other states have already gone further in the ambit of their bans
 - ensure, in the timing of a ban, that New South Wales keeps pace with other states, thereby going beyond the nationally agreed targets
 - carefully consider whether compostable bioplastics should be included in the definition of 'single-use' plastics to be phased out, or whether instead more attention should be paid to addressing issues of waste collection infrastructure, certification and labelling that affect whether compostable plastics are appropriately disposed of.
- 2.118** Beyond the issue of what products should be phased out, this inquiry heard stakeholder calls for government to legislate to address a range of issues affecting whether plastic waste reduction targets are likely to be met. On the basis of the evidence before the committee, and noting the overlap with federal responsibilities in this area, we urge the NSW Government to consider whether its legislation should mandate:
- standards and labelling requirements for plastics marketed as 'compostable'
 - standards of recyclability and use of the Australasian Recycling Label
 - enforceable targets for recycling, and recycled content in packaging, giving industry/producers greater responsibility for the environmental impact of their products.
- 2.119** Further, the NSW Government should establish an effective compliance regime for companies not meeting targets, noting lack of enforcement undertaken in the current regime, and the need to establish a level playing field so companies are not disadvantaged for doing the right thing.
- 2.120** The committee has also heard that there is a longer term agenda on plastics reduction that is far broader in scope and complexity than a ban on single-use plastics. We support calls made by many inquiry participants for the NSW Government to ensure focus on the longer term issues, and to make New South Wales a leader, not a laggard in this area. We further urge the government to determine the best mechanism by which it can deliver ongoing leadership and momentum in this important policy area.

- 2.121** In that light, the committee recommends that this bill not proceed, but that the evidence gathered during this inquiry, and the conclusions of the committee, inform the government's drafting of its forthcoming bill, and the House's consideration of the forthcoming legislation.

Recommendation 1

That the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 not proceed, but that the evidence documented in this report, and the conclusions of the committee, inform the NSW Government in drafting its foreshadowed plastics reduction legislation. Further, that the report inform the House's consideration of the forthcoming legislation.

Appendix 1 Submissions

No.	Author
1	Mr Karl Augustine
2	Mr Adam Mitchell
3	Mr Rob Dexter
4	Name suppressed
5	Name suppressed
6	Name suppressed
7	Mrs Rachel Sussman
8	Ms Christina Bentham
9	Ms Katherine Mason
10	Mrs Carolyn Baldwin
11	Mrs Sylvia Cooper
12	Ms Marguerite Morgan
13	Ms Anne Shackman
14	Ms Elizabeth Gentle
15	David Johnson
16	Name suppressed
17	Australasian Bioplastics Association Incorporated
18	Sincere Medical Australia (SMA)
19	Waste Contractors and Recyclers Association
20	City of Sydney Council
21	Biopak
22	Clean Up Australia
23	National Retail Association
24	Mrs Therese Glen-Holmes
25	Mrs Linda D'Arcy
26	Miss Wendy Wallin
27	Name suppressed
28	Name suppressed
29	Name suppressed
30	Ms Karen Gould
31	Ms Liz Greig

No.	Author
32	Name suppressed
33	Mrs Jeanette Watson
34	Ms Fiona Scott
35	Mrs Caroline Payton
36	Mrs Cynthia Harris
37	Name suppressed
38	Name suppressed
39	Ms Diana Palmer
40	Ms Ingrid Dusselberg
41	Mrs Irene Carson
42	Name suppressed
43	Ms Elizabeth Weiss
44	Ms Sue McCarthy
45	Mrs Tracey Kent
46	Australian Fresh Produce Alliance
47	Boomerang Alliance
48	Australian Packaging Covenant Organisation
49	Muswellbrook Shire Council
50	ParraParents
51	MRA Consulting Group
52	Australian Information Industry Association
53	Penrith City Council
54	CSIRO
55	Sea Shepherd Australia Limited
56	Physical Disability Council of NSW Inc.
57	SO SHIRE
58	Name suppressed
59	Name suppressed
60	Name suppressed
61	Name suppressed
62	Name suppressed
63	Name suppressed
64	Name suppressed
65	Name suppressed
66	Name suppressed

No.	Author
67	Confidential
68	Mr Glen Philpott
69	Ms Francisa Miller
70	Ms Janet Walder
71	Mrs Chris Hughes
72	Miss Vanessa Cullen
73	Ms Milinda Krogh
74	Ms Rhonda Green
75	Mr Chris Ross
76	Mr James Brown
77	Mr Christopher Bennett
78	Mr Terry Ingram
79	Ms Fiona Bennett
80	Miss Linda Wallin
81	Mr Rod McKellar
82	Name suppressed
83	Southern Sydney Regional Organisation of Councils
84	NSW Wildlife Information, Rescue and Education Service Inc. (WIRES)
85	WWF Australia
86	Confidential
87	Ms Susie Hearder
88	Animal Liberation
89	Australian Marine Conservation Society
90	Australian Retailers Association
91	The Hills Shire Council
92	Australian Food and Grocery Council
93	Ms Julie Beesley
94	NSW Farmers' Association
95	Tetra Pak

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 31 May 2021 Macquarie Room, Parliament House, Sydney	Mr Jeff Angel	Director, Boomerang Alliance
	Mr Toby Hutcheon	Campaign Manager, Boomerang Alliance
	Ms Helen Sloan	General Manager, Southern Sydney Regional Organisation of Councils
	Mr Justin Bonsey	Strategic Lead, Resource Recovery, Southern Sydney Regional Organisation of Councils
	Ms Monica Barone	Chief Executive Officer, City of Sydney Council
	Ms Gemma Dawson	Waste Strategy Manager, City Sustainability, City of Sydney Council
	Ms Tracy Chalk	Waste and Resource Recovery Manager, Penrith City Council
	Ms Karinne Taylor	Principal Environmental Consultant, MRA Consulting Group
	Ms Pip Kiernan	Chairman, Clean Up Australia
	Ms Terrie-Ann Johnson	Chief Executive Officer, Clean Up Australia
	Mrs Sarah-Jo Lobwein	Co-Founder and Community Engagement, Sustainable Organisations of the Sutherland Shire
	Ms Serena Ovens	Chief Executive Officer, Physical Disability Council of NSW
Ms Hayley Stone	Senior Policy Officer, Physical Disability Council of NSW	

Date	Name	Position and Organisation
	Ms Serena Ovens	Chief Executive Officer, Physical Disability Council of NSW
	Ms Hayley Stone	Senior Policy Officer, Physical Disability Council of NSW
	Mr Rowan Williams	President, Australian Bioplastics Association Industrial
	Mr Patrick Liu	Chief Executive Officer, Sincere Medical Australia (trading as Eco Aid BioTech)
	Ms Brooke Donnelly	Chief Executive Officer, Australian Packaging Covenant Organisation
	Mr Peter Brisbane	Government Partnership Manager, Australian Packaging Covenant Organisation
Tuesday, 1 June 2021 Macquarie Room, Parliament House, Sydney	Dr Scott Wilson	AUSMAP Research Director and Senior Research Fellow, Macquarie University
	Ms Jane Coram	Director, Land and Water, CSIRO
	Dr Deborah Lau	Ending Plastic Waste Mission Leader, Oceans and Atmosphere, CSIRO
	Ms Rose Read	Chief Executive Officer, National Waste and Recycling Industry Council
	Ms Gayle Sloan	Chief Executive Officer, Waste Management and Resource Recovery Association Australia
	Mr Tony Khoury	Executive Director, Waste Contractors and Recyclers Association
	Mr David Stout	Director, Policy, National Retail Association
	Mr Ian McAlister	Chief Executive Officer, Consumer Electronics Suppliers Association

Date	Name	Position and Organisation
	Mr Michael Rogers	Chief Executive Officer, Australian Fresh Produce Alliance
	Mr Justin Koek	Director, Circular Economy and Markets, Department of Planning, Industry and Environment
	Ms Nancy Chang	Executive Director, Regulatory Policy Initiatives and Advice, Environment Protection Authority
	Ms Kathy Giunta	Director, Circular Economy Programs Branch, Environment Protection Authority

Appendix 3 Minutes

Minutes no. 47

Tuesday 23 March 2021

Portfolio Committee No. 7 – Planning and Environment
Members' Lounge, Parliament House, Sydney, at 2.16 pm

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Buttigieg

Mr Franklin

Mr Mallard

Mr Martin (*substituting for Ms Cusack*)

Mr Veitch (*substituting for Ms Sharpe*)

2. Draft minutes

Resolved, on the motion of Mr Mallard: That draft minutes no. 46 be confirmed.

Mr Buttigieg and Mr Pearson joined the meeting.

3. Terms of reference

The committee noted the referral on 16 March 2021 of the following terms of reference:

That:

- (a) the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021, be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report, and
- (b) the committee report by 12 October 2021.

4. Conduct of the inquiry into the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

4.1 Closing date for submissions

Resolved, on the motion of Mr Pearson: That the closing date for submissions be Friday 3 May 2021.

4.2 Stakeholder list

Resolved, on the motion of Mr Pearson: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

4.3 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder letters and a media release distributed to all media outlets in New South Wales and that the committee office no longer advertise in the print media.

4.4 Hearing dates

Resolved, on the motion of Mr Pearson: That the committee hold two hearings for the inquiry, with the first hearing to be held on 31 May 2021 and the second hearing on either 1 or 2 June 2021, subject to the secretariat checking arrangements for the Select Committee on the Provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2023 report deliberative.

5. Adjournment

The committee adjourned at 2.21 pm, *sine die*.

Merrin Thompson
Committee Clerk

Minutes no. 51

Monday 31 May 2021

Portfolio Committee No. 7 – Planning and Environment

Macquarie Room and via videoconference, 9.04 am

1. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Buttigieg (from 9.15 am)

Ms Cusack (*via videoconference* from 9.17 am)

Mr Franklin (from 9.47 am)

Mr Mallard

Ms Sharpe (*via videoconference*)

2. Previous minutes

Resolved on the motion of Mr Pearson: That draft minutes no. 50 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 1 April 2021 – Email from Ms Shannon Mead, Chief Butt Officer, No More Butts to the secretariat, requesting that the committee include plastic cigarette butt filters in its terms of reference to the plastics reduction bill inquiry, received 1 April 2021
- 27 April 2021 – Email from Mr Ian McAlister, Chief Executive Officer, Consumer Electronics Suppliers Association to secretariat, declining to make a submission to the plastics reduction bill inquiry
- 4 May 2021 – Email from Ms Kelly Kwan, Executive Manager, Advocacy, Local Government NSW to secretariat, declining to make a submission to the plastics reduction bill inquiry
- 5 May 2021 – Email from Mr Jing Fu, Senior Project Officer, Office of the Secretary, Department of Planning, Industry and Environment to secretariat, declining to make a submission to the plastics reduction bill inquiry
- 5 May 2021 – Email from Ms Alison Cochrane, Executive Officer, CEO's Office, NSW Environment Protection Agency to the secretariat, declining to make a submission to the plastics reduction bill inquiry
- 6 May 2021 – Email from Ms Sandra Harris, Director Ministerial Services, Office of the Coordinator-General, Environment, Energy and Science Group, Department of Planning, Industry and Environment to the secretariat, declining to make a submission to the plastics reduction bill inquiry
- 17 May 2021 – Email from Office of the Chief Executive, Government of South Australia Department for Environment and Water, acknowledging receipt of Chair's letter of 13 May 2021
- 20 May 2021 – Email from Ms Lisa Ryan, Animal Liberation to the secretariat, declining invitation to appear as a witness to the plastics reduction bill inquiry
- 24 May 2021 – Email from Mr Jason Robertson, Australian Retailers Association to the secretariat, declining invitation to appear as a witness to the plastics reduction bill inquiry
- 24 May 2021 – Email from Ms Kylie Ruth, Australian Food and Grocery Council to the secretariat, declining invitation to appear as a witness to the plastics reduction bill inquiry

- 24 May 2021 – Letter from Mr Jamie Merrick, Director-General Queensland Department of Environment and Science to the Chair providing information about Queensland's plastic waste reduction legislation
- 26 May 2021 – Letter from Mr James Tregurtha, Acting Deputy Secretary – Major Environment Reforms, Commonwealth Department of Agriculture, Water and the Environment, providing information on Australian Government policies and legislation related to reducing plastic pollution.

Sent:

- 13 May 2021 – Letter from Chair to Mr Andrew Metcalfe AO, Secretary, Commonwealth Department of Agriculture Water and the Environment, requesting information about Commonwealth legislation and plans relating to plastic waste reduction
- 13 May 2021 – Letter from Chair to Ms Alison Playford, Director-General, ACT Government Transport Canberra and City Services, requesting information about plastic waste reduction legislation, sent 13 May 2021
- 13 May 2021 – Letter from Chair to Mr Jamie Merrick, Director-General, Queensland Department of Environment and Science, requesting information about plastic waste reduction legislation, sent 13 May 2021
- 13 May 2021 – Letter from Chair to Mr John Schultz, Chief Executive, South Australian Department for Environment and Water, requesting information about plastic waste reduction legislation, sent 13 May 2021.

Resolved, on the motion of Mr Pearson: That the committee authorise the publication of correspondence from Mr Jamie Merrick, Director-General, Queensland Department of Environment and Science to the Chair providing information about Queensland's plastic waste reduction legislation, dated 24 May 2021, and Mr James Tregurtha, Acting Deputy Secretary, Commonwealth Department of Agriculture, Water and the Environment, dated 26 May 2021.

4. Inquiry into Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-66, 68-85 and 87-92.

4.2 Partially confidential submissions (name suppressed)

The committee noted that the following submissions were partially published by the committee clerk under the authorisation of the committee: submissions nos 4-6, 16, 27-29, 32, 37-38, 42, 58-66, and 82.

Resolved, on the motion of Mr Pearson: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 4-6, 16, 27-29, 32, 37-38, 42, 58-66, and 82.

4.3 Confidential submissions

Resolved, on the motion of Mr Pearson: That the committee keep submissions nos 67 and 86 confidential, as per the request of the author.

4.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Jeff Angel, Director, Boomerang Alliance
- Mr Toby Hutcheon, Campaign Manager, Boomerang Alliance (*via videoconference*).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Helen Sloan, General Manager, Southern Sydney Regional Organisation of Councils
- Mr Justin Bonsey, Strategic Lead, Resource Recovery, Southern Sydney Regional Organisation of Councils.
- Ms Monica Barone, Chief Executive Officer, City of Sydney Council
- Ms Gemma Dawson, Waste Strategy Manager, City Sustainability, City of Sydney Council
- Ms Tracy Chalk, Waste and Resource Recovery Manager, Penrith City Council.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Karinne Taylor, Principal Environmental Consultant, MRA Consulting Group.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Pip Kiernan, Chairman, Clean Up Australia
- Ms Terrie-Ann Johnson, Chief Executive Officer, Clean Up Australia
- Mrs Sarah-Jo Lobwein, Co-Founder and Community Engagement, Sustainable Organisations of the Sutherland Shire.

Ms Lobwein tendered the following documents:

- Photographs of plastic waste collected in Sutherland Shire, caught in stormwater and sewage
- Cronulla Wastewater Treatment Plant technical data.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Serena Ovens, Chief Executive Officer, Physical Disability Council of NSW
- Ms Hayley Stone, Senior Policy Officer, Physical Disability Council of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Rowan Williams, President, Australian Bioplastics Association (*via videoconference*)
- Mr Patrick Liu, Chief Executive Officer, Sincere Medical Australia (trading as Eco Aid BioTech) .

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Brooke Donnelly, Chief Executive Officer, Australian Packaging Covenant Organisation
- Mr Peter Brisbane, Government Partnership Manager, Australian Packaging Covenant Organisation.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4:52 pm.

4.5 Tendered documents

Resolved on the motion of Mr Pearce: That the committee accept and publish the following documents tendered during the public hearing:

- Photographs of plastic waste collected in Sutherland Shire, caught in stormwater and sewage
- Cronulla Wastewater Treatment Plant technical data.

5. Adjournment

The committee adjourned at 4.53 pm, until Tuesday 1 June 2021 (public hearing).

Peta Leemen
Committee Clerk

Minutes no. 52

Tuesday 1 June 2021

Portfolio Committee No. 7 – Planning and Environment
Macquarie Room and via videoconference, 11.02 am

1. Members present

Ms Faehrmann, *Chair*
Mr Pearson, *Deputy Chair*
Mr Buttigieg
Ms Cusack (*via videoconference*)
Mr Franklin from 11.45
Mr Mallard until 12.45
Ms Sharpe

2. Inquiry into Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021**2.1 Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Dr Scott Wilson, AUSMAP Research Director and Senior Research Fellow, Macquarie University
- Ms Jane Coram, Director, Land and Water, CSIRO (*via videoconference*)
- Dr Deborah Lau, Ending Plastic Waste Mission Leader, Oceans and Atmosphere, CSIRO (*via videoconference*).

Dr Wilson tendered the following document:

- 'Raising Awareness of Microplastic Pollution' powerpoint slides.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Rose Read, Chief Executive Officer, National Waste and Recycling Industry Council
- Ms Gayle Sloan, Chief Executive Officer, Waste Management and Resource Recovery Association Australia
- Mr Tony Khoury, Executive Director, Waste Contractors and Recyclers Association.

Mr Khoury tendered the following document:

- Speaking notes and tips for sustainable kerbside recycling outcomes.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Stout, Director, Policy, National Retail Association
- Mr Ian McAlister, Chief Executive Officer, Consumer Electronics Suppliers Association
- Mr Michael Rogers, Chief Executive Officer, Australian Fresh Produce Alliance (*via videoconference*).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Justin Koek, Director, Circular Economy and Markets, Department of Planning, Industry and Environment
- Ms Nancy Chang, Executive Director, Regulatory Policy Initiatives and Advice, Environment Protection Authority
- Ms Kathy Giunta, Director, Circular Economy Programs Branch, Environment Protection Authority.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.56 pm.

2.2 Tendered documents

Resolved on the motion of Ms Sharpe: That the committee accept and publish the following documents tendered during the public hearing:

- 'Raising Awareness of Microplastic Pollution' powerpoint slides, tendered by Dr Wilson
- Speaking notes and tips for sustainable kerbside recycling outcomes, tendered by Mr Khoury.

3. ***

4. ***

5. Adjournment

The committee adjourned at 4.05 pm, until Friday 11 June 2021.

Peta Leemen

Committee Clerk

Minutes no. 53

Friday 11 June 2021

Portfolio Committee No. 7 – Planning and Environment

Macquarie Room and via videoconference, 9.48 am

6. Members present

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair*

Mr Buttigieg

Ms Cusack (*via video conference from 1.45 pm*)

Mr Franklin

Mr Mallard

Ms Sharpe

7. Previous minutes

Resolved on the motion of Mr Pearson: That draft minutes nos 51 and 52 be confirmed.

8. Correspondence

The committee noted the following items of correspondence:

Received:

- 1 June 2021 – Letter from Mr Ian Overton, Chief Executive Green Industries SA, to Chair, providing information on South Australia's waste management and resource recovery legislation, including single-use plastics ban
- 3 June 2021 – Letter from Ms Alison Playford, Director-General, Transport Canberra and City Services to Chair, providing information on the ACT's plastics reduction legislation
- 4 June 2021 – Email from Mr Justin Bonsey, Southern Sydney Regional Organisation of Councils, to secretariat, offering committee members a briefing on recommended legal and policy reforms to achieve a circular economy and attaching a briefing note subsequently replaced (see correspondence received 8 June 2021 below)
- ***
- 8 June 2021 – Email from Mr Justin Bonsey, Southern Sydney Regional Organisation of Councils, to the secretariat, attaching a) a confidential briefing note for committee members, and b) a publishable position

statement on legal and policy reforms needed to achieve a circular economy, relating to the inquiry into the waste avoidance (plastics reduction) bill.

Resolved, on the motion of Mr Pearson: That the committee:

- authorise publication of the letters from Mr Ian Overton, Chief Executive, Green Industries SA, received 1 June 2021 and Ms Alison Playford, Director-General, Transport Canberra and City Services, received 3 June 2021
- authorise the publication of the position statement from the Southern Sydney Regional Organisation of Councils on legal and policy reforms needed to achieve a circular economy, received 8 June 2021
- keep the briefing note marked 'confidential' from the Southern Sydney Regional Organisation of Councils confidential, as per the request of the author.

9. Inquiry into Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

The committee noted the offer of a briefing from the Southern Sydney Regional Organisation of Councils on recommended legal and regulatory reforms to achieve a circular economy.

10. ***

11. Adjournment

The committee adjourned at 5.18 pm, until 9am, Tuesday 15 June 2021 (second public hearing).

Peta Leemen

Committee Clerk

Minutes no. 54

Tuesday 15 June 2021

Portfolio Committee No. 7 – Planning and Environment
Macquarie Room and via videoconference, 9.02 am

1. Members present

Ms Fachrmann, *Chair*
Mr Pearson, *Deputy Chair*
Mr Buttigieg
Ms Cusack (*via video conference*)
Mr Franklin
Ms Sharpe

2. Apologies

Mr Mallard

3. ***

4. ***

5. Inquiry into the Waste Avoidance and Resource Recovery (Plastics Reduction) Bill 2021

The committee noted the Government's recently announced plastics plan and waste strategy, including the intention to phase out certain single use plastics.

Resolved, on the motion of Ms Sharpe: That the Chair write to Minister Kean asking the Department of Planning, Industry and Environment to provide information on the government's plastics reduction plan.

The committee noted that a number of late submissions (Submissions nos 93-95) had been received by the secretariat, that they would be distributed by email and published by the secretariat under the resolution appointing the committee.

6. ***

7. **Adjournment**

The committee adjourned at 5.15 pm, until Monday 19 July, public hearing for Clean Air Bill inquiry.

Peta Leemen

Committee Clerk

Minutes no. 57

Friday 16 July 2021

Portfolio Committee No. 7 – Planning and Environment

Jubilee Room and via videoconference, 8.46 am

1. **Members present**

Ms Faehrmann, *Chair*

Mr Pearson, *Deputy Chair (from 9.02 am)*

Ms Cusack *(from 8.48 am)*

Mr Franklin

Ms Jackson

Mr Latham *(participating, from 8.50 am)*

Mr Mallard *(from 8.56 am)*

Mr Searle

2. ***

3. **Draft minutes**

Resolved, on the motion of Mr Franklin: That draft minutes nos. 53, 54 and 55 be confirmed.

4. **Correspondence**

The committee noted the following items of correspondence:

Received:

- ***

Sent:

- ***

5. **Inquiry into the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021**

5.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 93-95.

5.2 Answers to questions on notice

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Consumer Electronics Suppliers Association, received on 8 June 2021
- Environmental Protection Authority, received on 24 June 2021

- NSW Department of Planning, Industry and Environment, received on 24 June 2021
- Ms Karinne Taylor, MRA Consulting, received on 25 June 2021
- Physical Disability Council of NSW, received on 28 June 2021.

5.3 Circulation of Chair's draft report

Resolved, on the motion of Ms Jackson: That the Chair's draft report be circulated to members on Wednesday 4 August 2021.

6. ***

7. ***

8. Adjournment

The committee adjourned at 5.18 pm, until 9.30 am Wednesday 21 July 2021 (report deliberative for the rationale for, and impacts of, new dams and other water infrastructure in NSW).

Sarah Dunn

Committee Clerk

Draft minutes no. 60

Monday 9 August 2021

Portfolio Committee No. 7 – Planning and Environment
via video conference, at 10.02 am

1. Members present

Ms Faehrmann, *Chair*
Mr Pearson, *Deputy Chair*
Ms Cusack
Mr Franklin
Ms Jackson
Mr Mallard
Ms Sharpe

2. Correspondence

The committee noted the following items of correspondence:

Received:

- ***
- ***
- ***
- 22 July 2021 – Letter from the Hon Matt Kean, Minister for Energy and the Environment, to the Chair, providing information on the NSW Plastics Action Plan
- ***

Sent:

- 24 June 2021 – Letter from the Chair to the Hon Matt Kean, Minister for Energy and the Environment, seeking information on the NSW Government's Plastics Plan
- ***

Resolved, on the motion of Mr Pearson: That the committee authorise the publication of:

- correspondence from the Hon Matt Kean, Minister for Energy and Environment, regarding the NSW Plastics Action Plan
- ***
- ***

3. Recording the deliberative meeting

Resolved, on the motion of Mr Pearson: That the meeting be recorded through WebEx for the purposes of the secretariat cross-checking amendments following the meeting only, with the recording deleted after this use.

4. Inquiry into the Waste Recovery and Resource Amendment (Plastics Reduction) Bill 2021

4.1 Consideration of Chair's draft report

The Chair submitted the draft report entitled *Waste Recovery and Resource Amendment (Plastics Reduction) Bill 2021*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Mallard: That paragraph 2.82 be amended by inserting 'through voluntary measures first and consideration of regulatory action should industry phase outs not be achieved' before 'by July 2022.'

Resolved, on the motion of Mr Mallard: That paragraph 2.84 be amended by omitting 'Despite the national agreement' and inserting instead 'Despite the Federal Government's *National Plastics Plan 2021*'.

Resolved on the motion of Mr Mallard: That paragraph 2.116 be amended by:

- inserting 'and oxo-degradable ('fragmentable technology') plastic' after 'list of problematic single-use items', and
- omitting the third dot point, 'include oxo-degradable ('fragmentable technology') plastic in the first phase of a ban, noting the national agreement to phase out such plastics by July 2022'

Resolved, on the motion of Ms Sharpe: That the following new paragraph be inserted after 2.115:

We note concerns raised by disability advocacy organisations about the implications of a ban on plastic drinking straws for inclusion of people with disability. We urge the government to separately consult with disability organisations on this matter and ensure that any ban does not restrict access of people with a disability to drinking straws.

Resolved, on the motion of Ms Sharpe: That:

The draft report, as amended, be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, submissions, tabled documents, answers to questions on notice and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, pro forma documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The secretariat is tabling the report at 10.30 am on Thursday 12 August 2021;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

The Chair thanked the Secretariat, in particular Ms Peta Leemen, for drafting the excellent report.

5. ***

6. **Adjournment**

The committee adjourned at 10.37 pm, *sine die*.

Peta Leemen
Committee Clerk

