

TASMANIA

**WASTE AND RESOURCE RECOVERY AMENDMENT (SINGLE-
USE PLASTICS) BILL 2022**

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WASTE AND RESOURCE RECOVERY AMENDMENT (SINGLE-USE PLASTICS) BILL 2022

(Brought in by Rosalie Ellen Woodruff MP)

A BILL FOR

An Act to amend the *Waste and Resource Recovery Act 2022* for the purpose of introducing restrictions on the use of single-use plastics

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Waste and Resource Recovery Amendment (Single-Use Plastics) Act 2022*.

2. Commencement

This Act commences on a day to be proclaimed, but if this Act has not commenced before the first anniversary of the day on which it receives the Royal Assent it commences on that first anniversary.

3. Principal Act

In this Act, the *Waste and Resource Recovery Act 2022** is referred to as the Principal Act.

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of approved:

AS 4736 means the Australian Standard for biodegradable plastics suitable for composting and other microbial treatment, as in force from time to time under that designation (regardless of the edition or year of publication of the standard);

AS 5810 means the Australian Standard for biodegradable plastics suitable for home composting, as in force from time to time under that designation (regardless of the edition or year of publication of the standard);

- (b) by inserting the following definition after the definition of authorised officer:

banned single-use plastic item has the meaning given by section 27B;

- (c) by inserting the following definitions after the definition of authorised Board:

compostable, for a plastic item, means the plastic item is compostable under AS 4736 or AS 5810;

cutlery means utensils for eating food;

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healthcare business or undertaking means any of the following businesses or undertakings (however called) –

- (a) a clinic or facility that provides care to persons with a disability or healthcare needs;
 - (b) a dental clinic;
 - (c) a hospital;
 - (d) a medical clinic;
 - (e) a medical supply business or undertaking;
 - (f) a pharmacy;
 - (g) a business or undertaking that is substantially similar to a business or undertaking mentioned in any of paragraphs (a) to (f);
- (d) by inserting the following definition after the definition of person responsible:

plastic item means an item made, in whole or part, of plastic (whether or not the plastic is compostable);

- (e) by inserting the following definitions after the definition of Secretary:

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shelf-ready product means food or a beverage that is pre-packaged as a single serve and ready for –

- (a) immediate consumption; or
- (b) consumption after cooling or heating the food or beverage.

single-use plastic item means a plastic item, other than a plastic item that is compostable, designed to be used only once.

5. Part 2A inserted

The following Part is inserted after section 27 of the Principal Act –

PART 2A – PLASTIC ITEMS

27A. Objects of Part

The objects of this part are to –

- (c) promote and support the waste and resource management hierarchy; and
- (d) reduce plastic pollution by reducing the number of single-use plastic items –
 - (i) used or sold; and

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- (ii) that become waste and are littered or disposed of to landfill; and
- (e) encourage retailers and consumers to –
 - (i) reduce the overall use and sale of single-use plastic items; and
 - (ii) use or sell sustainable alternatives to single-use plastic items; and
- (f) encourage manufacturers to identify innovative product designs for sustainable alternatives to single-use plastic items; and
- (g) recognise the needs of persons with a disability and the healthcare needs of persons in relation to the use of banned single-use plastic items; and
- (h) ensure manufacturers and consumers are aware of, and understand, information about

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plastic items that are
compostable.

27B. Meaning of banned single-use plastic item

- (1) A banned single-use plastic item is a single-use plastic item that –
 - (a) Is –
 - (i) a plate; or
 - (ii) a bowl; or
 - (iii) an item of cutlery; or
 - (iv) a straw; or
 - (v) a stirrer; or
 - (b) is prescribed by regulation to be a banned single-use plastic item.
- (2) However, each of the following is not a banned single-use plastic item –
 - (a) a single-use plastic item that is an integral part of a shelf-ready product, including but not limited to –
 - (i) a straw attached to a juice box; and

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- (ii) a fork included in a pre-packed salad;
and
 - (iii) a spoon attached to a yoghurt container;
and
 - (iv) a plate forming part of a frozen meal; and
 - (b) a single-use plastic item that is prescribed by regulation not to be a banned single-use plastic item.
- (3) The Minister may recommend to the Governor the making of a regulation under subsection (1)(b) or (2)(b) about whether or not a single-use plastic item is a banned single-use plastic item (a proposed change) only after –
 - (a) carrying out consultation with the public about the proposed change; and
 - (b) considering all of the following –
 - (i) the results of the public consultation about the proposed change;

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- (ii) whether making the proposed change is likely to achieve the objects of this part;
- (iii) whether voluntary or other measures to achieve the objects of this part have been shown not to be effective;
- (iv) if the proposed change is to prescribe a single-use plastic item to be a banned single-use plastic item –
 - (A) the availability of alternative products to the single-use plastic item; and
 - (B) whether the costs of monitoring, enforcement and market development are proportional to

the benefits of
the proposed
change.

27C. Restriction on sale of banned single-use plastic items

- (1) A person who conducts a business or undertaking must not, in the course of conducting the business or undertaking, sell a banned single-use plastic item to another person.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subsection (1) does not apply to the sale of a banned single-use plastic item –
- (a) by or to a person who conducts an exempt business or undertaking; or
 - (b) if the person selling the item reasonably believes the sale is a step in a supply chain for the supply of the item to a person who conducts an exempt business or undertaking.

- (3) In this section –

exempt business or undertaking means –

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- (a) a healthcare business or undertaking; or
- (b) a school; or
- (c) a business or undertaking that may be prescribed, that involves the sale or supply of banned single-use plastic items for use by persons with a disability or healthcare needs.

27D. Stating conditions under which plastic items are compostable

- (1) This section applies if a person—
 - (a) conducts a manufacturing, wholesale, distribution or import business or undertaking; and
 - (b) in the course of conducting the business or undertaking, sells a plastic item that is compostable to another person.
- (2) A person referred to in subsection (1) must ensure the conditions under which the plastic item is compostable are clearly and legibly written –
 - (a) on the packaging for the plastic item; or

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- (b) in information or a document accompanying the plastic item.

Penalty: Fine not exceeding 50 penalty units.

- (3) In this section –

condition, under which a plastic item is compostable, includes –

- (a) whether the plastic item is suitable for industrial or home composting; and
- (b) whether the plastic item is compostable under AS 4736 or AS 5810.

27E. Certification to chief executive officer about whether or not plastic items are compostable

- (1) The chief executive officer may give a notice under this section to a person if the chief executive officer believes the person –
 - (a) conducts a manufacturing, wholesale, distribution or import business or undertaking; and
 - (b) in the course of conducting the business or undertaking, sells to another person –

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- (i) a plastic item that is compostable (a sold item); or
 - (ii) a plastic item (also a sold item) the person tells the other person is compostable.
- (2) A notice under this section may require the person to give the chief executive officer a certification about the sold item.
- (3) A person who is given a notice under this section must comply with the notice within 20 business days after receiving the notice unless the person has a reasonable excuse.

Penalty: Fine not exceeding 50 penalty units.

- (4) In this section –

certification, about a sold item, means a certification about whether or not the sold item is compostable that –

- (a) includes the information decided by the chief executive; and
- (b) is in the form decided by the chief executive; and

sold item means an item referred to in subsection (1)(b)(i) and (ii).

6. Section 40 substituted

Section 40 of the Principal Act is repealed and the following section is substituted:

40. False or misleading information

- (1) A person must not, in a record, return, report, result, document or information given to another person in accordance with this Act, make a statement that is false or misleading in a material particular without –
- (a) indicating that the statement is false or misleading and the manner in which it is false or misleading; and
 - (b) giving to the other person any correct information –
 - (i) of which the first-mentioned person has possession or can reasonably obtain; and
 - (ii) that is required to be given to the other

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person in order to correct the false or misleading statement or is required to be read by the other person together with that statement in order for the statement not to be false or misleading.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) A person must not give information, or a document containing information, that the person knows is false or misleading to another person about –
- (a) whether or not a plastic item is compostable; or
 - (b) the composition of a banned single-use plastic item; or
 - (c) whether or not a plastic item is a banned single-use plastic item.

Penalty: Fine not exceeding 50 penalty units.

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7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.