



Queensland

Waste Reduction and Recycling (Plastic Items) Amendment Act 2021

Act No. 5 of 2021

An Act to amend the Waste Reduction and Recycling Act 2011 for particular purposes

[Assented to 15 March 2021]



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Waste Reduction and Recycling (Plastic Items) Amendment Act 2021

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Waste Reduction and Recycling (Plastic Items) Amendment Act 2021*.

2 Commencement

This Act, other than section 7(1) and (3), commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Waste Reduction and Recycling Act 2011*.

4 Amendment of s 99B (Meaning of *banned plastic shopping bag* and *alternative shopping bag*)

Section 99B(4), definition *AS 4736*, after ‘plastics’—
insert—

suitable for composting and other microbial treatment,

5 Insertion of new ch 4, pt 3AA

Chapter 4, after part 3A—
insert—

Part 3AA Plastic items

Division 1 Preliminary

99GA Objects of part

The objects of this part are to—

- (a) promote and support the waste and resource management hierarchy; and
- (b) reduce plastic pollution by reducing the number of single-use plastic items—
 - (i) used or sold; and
 - (ii) that become waste and are littered or disposed of to landfill; and
- (c) 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
- (d) encourage manufacturers to identify innovative product designs for sustainable alternatives to single-use plastic items; and
- (e) 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
- (f) ensure manufacturers and consumers are aware of, and understand, information about plastic items that are compostable.

99GB Definitions for part

In this part—

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).

banned single-use plastic item see section 99GC.

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

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

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

99GC 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
 - (vi) a takeaway food container made, in whole or part, of expanded polystyrene (EPS); or
 - (vii) a cup made, in whole or part, of expanded polystyrene (EPS); 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;

Examples—

- a straw attached to a juice box
 - a fork included in a pre-packed salad
 - a spoon attached to a yoghurt container
 - a plate forming part of a frozen meal
- (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 in Council 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;
 - (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.

(4) In this section—

cutlery—

- (a) means utensils for eating food; and
- (b) includes chopsticks, splayds and sporks.

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

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

Division 2 Banned single-use plastic items

99GD 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.

Maximum penalty—50 penalty units.

(2) However, 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.

Example for paragraph (b)—

A manufacturer may sell plastic straws to a distributor if the manufacturer reasonably believes

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the sale of the straws is a step in a supply chain for the supply of the straws to a pharmacy.

(3) In this section—

exempt business or undertaking means—

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

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).

99GE Giving false or misleading information about banned single-use plastic items

A person must not give information that the person knows is false or misleading to another person about—

- (a) the composition of a banned single-use plastic item; or
- (b) whether or not a plastic item is a banned single-use plastic item.

Maximum penalty—50 penalty units.

Division 3 Compostable plastic items

99GF 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) The person 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
 - (b) in information or a document accompanying the plastic item.

Maximum penalty—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.

99GG Certification to chief executive about whether or not plastic items are compostable

- (1) The chief executive may give a notice under this section to a person if the chief executive 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—
 - (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 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.

Maximum penalty—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.

99GH Giving false or misleading information about whether or not plastic items are compostable

A person must not give information, or a

document containing information, that the person knows is false or misleading to another person about whether or not a plastic item is compostable.

Maximum penalty—50 penalty units.

Division 4 Review

99GI Review of part

- (1) The Minister must ensure a review of the operation of this part starts not more than 2 years after the commencement.
- (2) The review must include a review of—
 - (a) the effect of this part on the community, especially persons with a disability or healthcare needs; and
 - (b) the level of public knowledge and understanding about this part, including—
 - (i) what is or is not a banned single-use plastic item, and alternatives to banned single-use plastic items; and
 - (ii) whether or not plastic items are compostable; and
 - (c) the effectiveness of this part in reducing the number of single-use plastic items—
 - (i) used or sold; and
 - (ii) that become waste and are littered or disposed of to landfill; and
 - (d) the effect of this part on the use or sale of alternatives to single-use plastic items, including whether or not the alternatives are sustainable or designed to be used only once; and

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- (e) the level of compliance with this part.
- (3) The chief executive must give a report on the outcome of the review to the Minister within 6 months after the day the review starts.
- (4) The Minister must table the report in the Legislative Assembly within 12 sitting days after receiving the report.

6 Amendment of s 245 (Definitions for chapter)

Section 245, definition *prescribed provision*, paragraph (a), after ‘73A(2),’—

insert—

99GD(1), 99GE, 99GF(2), 99GG(3), 99GH,

7 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *hazardous contaminant* (first occurrence) and *progressive capping* (second occurrence)—
omit.

- (2) Schedule—

insert—

AS 4736, for chapter 4, part 3AA, see section 99GB.

AS 5810, for chapter 4, part 3AA, see section 99GB.

banned single-use plastic item, for chapter 4, part 3AA, see section 99GC.

compostable, for a plastic item, for chapter 4, part 3AA, see section 99GB.

plastic item, for chapter 4, part 3AA, see section 99GB.

single-use plastic item, for chapter 4, part 3AA, see section 99GB.

(3) Schedule, definition *priority product*, ‘priority product statement’—

omit, insert—

priority statement

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