



# Single-use Plastic Items Consultation Regulatory Impact Statement



**Queensland  
Government**

Prepared by: Office of Resource Recovery, Department of Environment and Science

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March 2020

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## Executive summary

Plastics are widely used and convenient materials that are used in an extensive range of applications, including the packaging of food and beverages and for utensils used in their consumption. Plastic is not inherently bad and there are many practical and necessary uses for the material. It has become a low cost material used in the manufacture of range of convenience products. Its low cost has made it a desirable material for single-use convenience items used at home and away-from-home at point of sale in cafes, restaurants and events, and in places where hygienic applications are required (such as hospitals and aged care facilities).

However, plastic in the wrong place can have serious and long term impacts.

According to a World Wildlife Fund report released in 2019, if business continues as usual the amount of plastic pollution in the environment globally is predicted to double by 2030<sup>1</sup>. The report concludes that “the current trajectory for plastic pollution results from: consumption patterns that support single-use business models for plastic products; waste mismanagement leaking plastic into nature; and a supply chain currently producing five times more virgin plastic than recycled plastic.”

Single-use plastics in particular can create challenges for our waste management and resource recovery systems, the environment and the community.

Globally, nationally and within Queensland, community awareness and concern about plastic consumption and pollution is at an unprecedented level. There is increasing community pressure and expectation that companies and governments need to do more to address the issues and challenges associated with single-use plastic use.

Feedback obtained during public consultation on both the Queensland Government’s plastic shopping bag ban and container refund scheme discussion papers indicated strong support for government action to go further in addressing other plastics.

On 7 November 2019 the Queensland Government released Tackling Plastic Waste – Queensland’s Plastic Pollution Reduction Plan (the Plan). The Plan identifies and prioritises actions to reduce plastic waste and reduce the environmental and economic impacts of plastic pollution.

The Plan highlights short term ‘headline’ actions for immediate implementation. These actions will be complemented by a range of future actions, which recognises the complex and long term nature of plastic waste and pollution challenges along all parts of the plastic supply chain. Table 1 outlines the headline actions of the Plan.

As a key headline action of the Plan, the Queensland Government has identified the introduction of legislation in 2020 as an option to meet the objective of reducing plastic waste and plastic pollution. The proposed legislation would enable a ban on the supply of specific single-use plastic items, starting with straws, hot and cold drink stirrers, plates and cutlery as Stage 1. Stage 2 would involve further analysis on additional single-use plastic items including coffee cups, other plastic cups, takeaway food containers, plastic balloon sticks and heavyweight plastic bags that may result in extension of the legislation.

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<sup>1</sup> Solving Plastic Through Accountability, World Wildlife Fund Report 2019

Stage 1 is covered under Option 2 of this Regulatory Impact Statement (RIS). This option, and two other options are assessed against the base case of maintaining the status quo.

Table 1: Tackling Plastic Waste – Queensland’s Plastic Pollution Reduction Plan<sup>2</sup> headline actions.

<ul style="list-style-type: none"> <li>● <b>Introduce enabling legislation in 2020 – subject to a Regulatory Impact Statement, introduce legislation to ban the supply of specific single-use plastic products, starting with straws (taking into account the needs of people with disability or healthcare requirements), stirrers, plates and cutlery and, following further analysis, extend legislation to include coffee cups, other plastic cups and heavyweight plastic shopping bags.*</b></li> </ul>	<ul style="list-style-type: none"> <li>● <b>Exclude</b> the use of specific single-use plastic items from Queensland Government sponsored events from 2020 onwards, identifying opportunities to eliminate unnecessary plastic items or transition to alternative products and processes.</li> </ul>
<ul style="list-style-type: none"> <li>● <b>Expand</b> and build on the Plastic Free Places initiative by partnering with Boomerang Alliance, the Australian Packaging Covenant Organisation and selected communities to expand the program in Queensland, building on the successful pilot program rolled out in Noosa in 2018.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Build community capacity</b> and engagement to reduce plastic pollution in 2020/21 by providing up to \$3 million under the community grants program for projects to create positive long-term behaviour change in relation to plastic pollution in Queensland’s communities. Projects will focus on research and development on priority plastics, marine plastic pollution and place-based community action.</li> </ul>
<ul style="list-style-type: none"> <li>● Use <b>government purchasing power</b> to reduce plastic use, require recycled plastic content and transform the supply market from 2020 onwards, identifying the reduction of plastic pollution as a government priority through the Queensland Procurement Policy and set targets for recycled content.</li> </ul>	<ul style="list-style-type: none"> <li>● Focus <b>further investment</b> on developing plastic recovery and processing infrastructure** in Queensland in 2020/2021, prioritising grants and incentives to expand plastic recovery and reprocessing facilities and infrastructure, including in regional areas.</li> </ul>

*\*Exemptions will be legislated to support use of single-use plastic items where no viable alternative is available. This will enable access for people with disability and organisations which may have a specific requirement for these items for hygiene reasons.*

*\*\* For items such as plastic straws, stirrers, plates and cutlery, recovery and recycling is not a viable option as the cost of sorting and recycling outweighs the cost of manufacture.*

Through this RIS the Queensland Government is interested in feedback on the feasibility of introducing the proposed ban, and on other options including the provision of additional litter bins, stormwater interceptor devices and other clean up infrastructure.


<sup>2</sup> [www.qld.gov.au](http://www.qld.gov.au)

In assessing the feasibility of a proposed ban, the following information in relation to the potential design and operation of this option have been taken into consideration.

It is proposed that a ban on the sale, supply, and distribution of single-use plastic straws, stirrers, plates, and cutlery in Queensland would start on 1 July 2021. Similar to the ban on the supply of single-use lightweight plastic shopping bags, which started on 1 July 2018, a ban on the supply of these items means that an individual will no longer be able to be given (either for free or at a charge) or buy a single-use plastic straw, stirrer, plate or item of cutlery.

Retailers will also not be able to sell these items. While there will be no offence for an individual using or taking their own single-use plastic straw, there will be offences placed on wholesalers, retailers and distributors if they sell or supply these items into the Queensland market. Similar to the proactive engagement undertaken through peak bodies for the single-use plastic shopping bag ban, in the first instance, there would be reliance on peak bodies such as the National Retail Association and the Australian Food and Grocery Council to undertake awareness-raising activities to help reduce the need for enforcement action. The effect of this approach for the plastic shopping bag ban was there has been, to-date, no enforcement requirement from the government.

There will also be requirements placed on wholesale and manufacturer suppliers to ensure that there is clear labelling of alternative products in relation to the compostability of the item.



For example:  
A person buys a soft drink at a café. With no ban in place the café can choose whether to provide a plastic, paper or other plastic alternative straw, or no straw at all.

From 1 July 2021, under a ban the café may still choose not to provide a straw, however if they choose to provide a straw it cannot be a single-use plastic straw.

The proposed legislation will not prescribe alternative products or their use and will provide for exclusions for single-use items that are integral to the packaging of a product (e.g. a plastic straw attached to a juice box). The proposed legislation will recognise the permanent or temporary disability and healthcare needs of people by providing exemptions or other mechanisms to enable these products to remain available for people who need them.

The proposed legislation will apply to the businesses who are involved in the manufacture, import or wholesale distribution of the single-use items, or sale at a retailer level. Consideration will also need to be given to what appropriate consequences are available where an individual business continues to provide a banned item. Measures will be implemented to ensure that businesses are aware of the ban; of the questions that they need to ask suppliers; and of sources of suitable alternatives where decisions are made to provide an alternative item.

The proposed legislation will also ensure that health and safety standards are maintained by the inclusion of other necessary exemptions for key sectors (e.g. hospitals and corrective services).

The proposed legislation will provide offences for false and misleading information from a supplier or wholesaler about whether or not the item is a banned item.

If the proposed ban is introduced, it will also give effect to another headline action concerning the exclusion of specific single-use plastic items from Queensland Government sponsored events. These items are the focus of initial action under Stage 1 due to the fact that they cannot be recycled through conventional methods (as the cost of recovery and recycling outweighs the cost of manufacturing the item); they do not decompose and will never disappear from the environment; and are items that are used for a few moments and then discarded (where the cost of the potential impact to the environment is not recovered).

There is a level of community expectation around reducing the consumption of single-use plastic items. A number of businesses have already made decisions to implement their own voluntary phase-out arrangements for these and other single-use plastic items, therefore a legislative approach is considered to be the most effective way to deliver the government's objective to reduce plastic waste, reduce plastic pollution and address the problem.

It is recognised that a ban on these items by itself may not have a large impact in terms of production of plastic waste overall. However, the effect of reducing the impact of these items as plastic pollution is likely to be considerable.

Combined with proper design and implementation along with education and awareness about single-use plastics, the ban could encourage the public to reduce their usage of other single-use plastics as well. While plastic straws only make up around 0.03 per cent of total plastic waste by mass, a ban could act as a gateway for consumer action into the reduction of other single-use plastics.

The Queensland Government, through this RIS, seeks to understand the impact on consumers, business and the environment of the identified policy options and in particular the impacts of introducing a ban on the supply of certain single-use plastics, starting with straws, stirrers, plates and cutlery.

The Queensland Government acknowledges that there will be some social and economic impacts resulting from the introduction of the ban. These costs include:

- potential for increased costs for people who may have need to procure and carry their own single-use plastic straws
- short-term operational costs to businesses as they adjust to the proposed ban
- marginal cost increases to community organisations, households and businesses as a result of increased costs of alternatives
- moderate increased costs to the Queensland Government as a result of implementing the proposed ban, including costs of changing to alternatives and undertaking awareness and compliance action.

Where possible the proposed legislation will work in conjunction with complementary approaches, including community-based initiatives such as Plastic Free Places and the efforts of peak bodies such as the Queensland Tourism Industry Council, Queensland Hotels Association, National Retail Association, Master Grocers Association, Australian Food and Grocery Council, Local Government Association of Queensland, Boomerang Alliance and World Wildlife Fund. This will help reduce the need to rely on compliance activities.

In this RIS, the costs and benefits of three options are assessed against the base case of maintaining the status quo:

- **Option 1:** Maintain the status quo.
- **Option 2:** Introduce a legislated ban on the supply of single-use plastic straws, stirrers, plates and cutlery.
- **Option 3:** Implement non-regulatory approaches, including greater education and awareness.
- **Option 4:** Install additional litter collection and clean up infrastructure.

Other options that have been considered but not assessed in detail include:

- A tax or advance disposal fee on single-use plastic straws, stirrers, plates and cutlery, which could also be expanded to coffee cups, other plastic cups, takeaway food containers and heavyweight plastic bags following further analysis.
- A form of product stewardship scheme (similar to the container refund scheme operating in Queensland) which may be voluntary or mandatory where manufacturers are responsible for ensuring that the items they place on the market are managed appropriately at their end-of-life.
- Providing much higher penalties for littering plastic items.

Detail of the assessments are provided in the body of this document.

Peak bodies have also requested the State consider a harmonised and, where possible, consistent approach to other states when assessing options to phasing out single-use plastics in Queensland, to ensure costs to businesses are minimised.



## Need for a Regulatory Impact Statement

A crucial element in developing regulatory proposals is the preparation of a RIS. A RIS is a systematic approach to critically assess the impacts of proposed regulatory options, and is designed to elicit feedback, through a public consultation process, to provide government with information about the expected impacts of a range of policy options to address a particular issue.

This RIS identifies that the objective is to reduce plastic pollution resulting from single-use plastic items by 20 per cent by 2023.

This RIS assesses the impacts of the proposed ban on single-use plastic straws, stirrers, plates and cutlery, compared to the base case of maintaining the status quo. It identifies where the impacts of legislation may have a cost or benefit on the community and community organisations, business and industry and state and local government. The RIS specifically addresses the impacts of the options on people with disability or healthcare needs.

The RIS seeks to determine a preferred course of action, taking into account the costs and benefits of each option.

The structure of the RIS is as follows:

1. Identification of the problem
2. Objectives of government action
3. Consideration of options
4. Impact analysis of the options
5. Consultation
6. Conclusion and recommended option
7. Consistency with fundamental legislative principles
8. Implementation, compliance support, and evaluation strategy.

## Have your say

Feedback is invited on the proposal to introduce a legislated ban on single-use plastic straws, stirrers, plates and cutlery. The Queensland Government welcomes any additional information about the costs or benefits of this proposal for local government, the waste and resource recovery industry, tourism, hospitality and food service businesses, schools, hospitals and aged care facilities, and the general public. The government is interested in feedback in relation to the impact a legislated ban will have on people with disability or healthcare needs where there may not be a suitable alternative to a plastic straw or cutlery.

Feedback will be accepted until 5pm on Thursday 30 April 2020. Submissions can be made online, or via email or post.

## How feedback can be provided



[qld.gov.au/ReducingPlastic](https://qld.gov.au/ReducingPlastic)



[WastePolicy@des.qld.gov.au](mailto:WastePolicy@des.qld.gov.au)



To: Single-use Plastic Consultation  
Department of Environment and Science  
Office of Resource Recovery  
PO Box 2454  
BRISBANE QLD 4001

## Questions we would like you to consider

The following questions are provided as a prompt to help provide feedback on the options in this RIS.

1. *Do you support the proposed ban on single-use plastic straws, stirrers, plates and cutlery?*
2. *Do you think a 1 July 2021 start date provides sufficient time for individuals and businesses to prepare for a proposed ban?*
3. *Do you support the proposal to provide exemptions for single-use plastic items that are part of a shelf-ready packaged product (for example, a juice box with an attached plastic straw or a tuna salad with an included fork)?*
4. *What types of exemptions may be needed to support people with disability or healthcare needs? For example, allowing cafes, markets, restaurants and events to provide plastic straws, on request, as needed; allowing registered businesses (for example, pharmacies, doctors' surgeries and dental clinics) to continue to provide straws to people.*
5. *What are the main positive and negative impacts of the identified options and in particular of introducing a ban on the supply of certain single-use plastics, starting with straws, stirrers, plates and cutlery for:*
  - *for consumers*
  - *businesses*
  - *the environment?*
6. *Do you think more voluntary action such as educational campaigns that increase awareness of the impacts of single-use plastics in the environment will assist? If not, please explain why.*

## 1.0 Introduction

Globally, nationally and locally single-use plastics are attracting considerable interest. In October 2018, the European Union announced the intention to ban single-use plastic items such as plates, cutlery, straws, balloon sticks and cotton buds.<sup>3</sup>

Plastics are widely used and convenient materials that are used in a wide range of applications, including the packaging of food and beverages and for utensils used in their consumption. Plastic is not inherently bad and there are many practical and necessary uses for the material. However, plastic in the wrong place can have serious and long term impacts.

Resource Futures (May 2018)<sup>4</sup>, in its examination of the impacts of a potential ban on single-use items in the United Kingdom, identified that, “Single-use plastics, are associated with negative effects on the environment if they are littered or discarded incorrectly after their use. There are costs associated with their clean up and externality costs imposed on the tourism and fish industries from littering and the transfer of littered plastics into the environment. They can damage terrestrial and marine life, and there is widespread and significant public concern regarding plastics and litter.”

### Data limitations

There are significant data limitations at a Queensland level in relation to single-use plastic consumption and pollution. Much of the information in this RIS is drawn from data and actions in other countries and other states. While evidence of the occurrence of items in the litter stream is available from various litter audits undertaken as part of Clean Up Australia Day and other activities, there is a lack of rigorous and replicable baseline information for these items in the Queensland context.

The lack of data is further reinforced in an international context. The Resources Future report review found that there are comparatively few data sources available and appropriate to England. This holds true in the Queensland context and it is understood that scientific understanding of the true impacts of plastic in the environment is in its infancy, with the relative risks associated with the different types of plastic pollution only just beginning to be understood.

### Consumption

Plastic consumption has increased exponentially over the last several decades. The World Economic Forum notes that globally plastics are increasingly being used across economies in areas ranging from packaging to construction, transportation, healthcare and electronics. This increasing use is reflected in the rate of increase in global plastic production – in 1964, 15 million tonnes of plastics were produced, in 2014 that had increased to 311 million tonnes. According to the World Economic Forum, plastics production is expected to double again in 20 years, and to almost quadruple by 2050.<sup>5</sup>

A United Nations Environment Programme (UNEP) Report released on World Environment Day 2018 states that between the 1950s and 1970s, plastic waste was relatively manageable as only a small amount of plastic, with around 15 million tonnes produced.

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<sup>3</sup> <https://www.dw.com/en/european-parliament-votes-for-ban-on-single-use-plastic/a-46016607>

<sup>4</sup> <https://www.resourcefutures.co.uk/project/impacts-of-a-potential-uk-ban-of-plastic-straws-plastic-cotton-bud-sticks-and-plastic-drinks-stirrers/>

<sup>5</sup> World Economic Forum, The New Plastics Economy: Rethinking the future of plastics, January 2016, [http://www3.weforum.org/docs/WEF\\_The\\_New\\_Plastics\\_Economy.pdf](http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf)

By the 1990s, the generation of plastic waste had tripled, and in the early 2000s the world's plastic waste output increased more in a single decade than in the previous 40 years.<sup>6</sup>

By comparison, the global population growth rate peaked long ago. Global population growth reached a peak in 1962 and 1963 with an annual growth rate of 2.2 per cent, however since then, world population growth has halved.<sup>7</sup>

Demand for convenient and cheaper products, and the growth of lower cost mass-production manufacturing has led to increased global production and consumption of plastics.

The Queensland economy reflects the global demand for greater convenience and an increasing reliance on single-use plastic items. The Queensland economy, and indeed the Australian economy, is a net importer of manufactured goods, including single-use disposable plastic items. According to anecdotal industry information, the majority of single-use plastics are imported.

Due to the disposable nature of single-use plastics, Resource Futures (2018) identified that consumers are not incentivised to limit the use and disposal of their plastics and manage them effectively. Accordingly, the cost of sorting small items into recycling bins is not seen as a viable option by consumers. The volumes required to generate recycled product exceeds the ability or willingness of consumers to use this pathway. This means that they are typically discarded to general waste or end up in the litter stream.

#### Persistence

Plastic is persistent in the environment. The most commonly used plastics – PET, HDPE, PP and polystyrene – do not break down if they enter the environment and can persist for many hundreds of years as microplastics. Research has shown that microplastics are now found in all parts of the food chain, in drinking water, in productive agricultural soil and in the air we breathe.

Generally, the properties that make plastic durable and desirable for the applications in which it is used also make it the cause of environmental concern, due to its lack of decomposition in the environment. Plastic is also not infinitely recyclable, and its usefulness will deplete with multiple recycling and reprocessing. This is why virgin resin is typically added to recycled material, which means the demand for virgin raw material would be higher, thus reducing the absolute benefit of recycling.

#### Understanding the true costs of plastic

Perverse outcomes and unintended consequences of plastic use to the environment, society and the economy are not well understood or accounted for. These costs are largely borne by the recycling industry through requirements to meet stricter and stricter recyclable waste standards, and as a potential indirect pass through cost to communities through increased waste collection and recycling charges and litter clean-up costs.

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<sup>6</sup> UNEP World Environment Day 2018 report

<sup>7</sup> <https://ourworldindata.org/world-population-growth>

There is no comprehensive data available on the volume of single-use plastics used in Queensland or the full cost to the community from their use (the full cost includes the impact on the environment and the unsightliness of litter).

The South Australian government, in its discussion paper *Turning the Tide on Single-use Plastic Products*<sup>8</sup>, estimated that around 700,000 straws per day were used in South Australia.

Based on Queensland's population, it is estimated that as many as two million plastic straws could be used in Queensland each day. While the original source of the figure of 10 million straws per day is unknown and may not be accurate it is the most widely quoted figure available and has been used as the basis for the calculation of this consumption figure.

Much of the plastic that is used in Queensland, and Australia, is designed to be used once and then discarded. Global estimates indicate that close to 50 per cent of the world's plastic production goes into 'single-use' plastic products.<sup>9</sup> Many of the single-use plastics in common use, including straws, stirrers, plates and cutlery, are difficult to recycle due to the small size of these items.

As many of these items end up being used away-from-home they have a tendency to end up in the environment as litter. Their use at home or in venues such as cafes, restaurants and hotels will either see them disposed of in the waste bin and landfilled, or in the recycling bin where they will either end up as a contaminant in the recovered paper or plastic streams, or in the residues from sorting facilities that end up in landfill.

The cost to the community of this problem is difficult to quantify. A 2013 report by Marsden Jacobs, estimated the price of litter using the cost of collection as a proxy. This proxy (or shadow price) is used to estimate a price for something that is not normally priced in the market to value an intangible benefit. The central estimate at that time was \$501 per tonne of litter, suggesting that the community places a significant value on avoiding litter.<sup>10</sup>

Single-use plastics in particular can create challenges for our waste management and resource recovery systems, the environment and the community.

Globally, nationally and within Queensland, community awareness and concern in respect of plastic consumption and pollution is at an unprecedented level. There is increasing community pressure and expectation that companies and governments need to do more to address the issues and challenges associated with single-use plastic use.

Feedback obtained during public consultation on both the Queensland Government's plastic shopping bag ban and container refund scheme discussion papers indicated strong support for government action to go further in addressing other plastics.

## What has already been done?

Queensland's *Waste Reduction and Recycling Act 2011* (the Act) provides the primary legislation for the management of waste and resource recovery in Queensland. The Act contains provisions pertaining to the ban on the supply of single-use lightweight plastic shopping bags and the container

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<sup>8</sup> <https://www.greenindustries.sa.gov.au/priorities/plastics>

<sup>9</sup> <https://ibanplastic.com/what-is-single-use-plastic/>

<sup>10</sup> <http://environment.gov.au/system/files/resources/0d61a8da-4263-4844-928c-e4f9e07472ef/files/packaging-impacts-decision-ris.pdf>

refund scheme, both of which started in 2018. The Act also contains offence provisions relating to litter and illegal dumping.

#### Ban on the supply of single-use lightweight plastic shopping bags

On 1 July 2018, the ban on the supply of single-use lightweight plastic shopping bags (less than 35 microns) took effect in Queensland. Queensland was the fifth Australian jurisdiction to introduce such a ban, following South Australia, the Northern Territory, the Australian Capital Territory (ACT) and Tasmania. Western Australia and Victoria have recently introduced similar bans.

The ban applies to all plastic shopping bags less than 35 microns, including compostable and biodegradable shopping bags. The ban excludes bags without handles such as produce bags and bags that are integral to a product's packaging (such as bread, rice and pasta bags), as well as kitchen tidy and garbage bags.

The legislation requires that the efficacy of the ban be reviewed two years after its commencement on 1 July 2018. Litter audits conducted in the first 12 months after the ban came into effect indicate that there has been a significant reduction in plastic bag litter across the state. Reviews conducted by other jurisdictions, such as the ACT, also indicate that their ban has also been successful in reducing plastic bag litter.<sup>11</sup>

There has been no examination to date of the costs of imposing the ban on consumers or retailers. However, scope exists for this to be considered through the review on the efficacy of the ban, required to be undertaken two years following commencement of the ban.

#### Container refund scheme

Queensland's container refund scheme started on 1 November 2018. Following South Australia, the Northern Territory, New South Wales and the ACT, Queensland was the fifth Australian jurisdiction to introduce a scheme where people can receive a 10 cent refund on eligible containers returned through a refund point. The scheme in Western Australia will start in June 2020, with Tasmania announcing a scheme to start in 2022 and Victoria just announcing a scheme by 2023.

The scheme in Queensland, established under the *Waste Reduction and Recycling Act 2011*, provides for the appointment of a not-for-profit company to run the scheme, and sets out particular performance measures and targets for achieving community accessibility to refund points and container recovery targets.

The scheme is a product stewardship scheme that places obligations on beverage manufacturers selling, manufacturing or distributing eligible beverage products into Queensland to contribute to the costs of running the scheme.

It is estimated that around three billion beverage containers are generated in Queensland each year. In just over 14 months to 16 February 2020, more than 1.45 billion containers have been returned for a refund through over 320 container refund points across Queensland, providing more than \$145 million in refunds to individuals, schools, charities and community organisations.

Eligible containers are also continuing to be returned through local government kerbside recycling services where provided. Returns through the container refund point network account for over 50 per cent of the volume of containers, with returns through kerbside recycling services (through Material Recovery Facilities) making up about 15 per cent of the returns.

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<sup>11</sup> <https://www.envcomm.act.gov.au>

Litter audits undertaken post the scheme's commencement in February 2019 and October 2019 have shown reductions in beverage container litter of 35 and 49 per cent respectively.

#### Global and national work

More than sixty countries around the world have implemented or announced the intent to implement bans on specific single-use plastic items. Items common to all countries include plastic straws, stirrers, cutlery and plates (Attachment A).

The Ellen MacArthur Foundation is also leading global action, in collaboration with the United Nations Environment Programme, in the form of the New Plastics Economy Global Commitment.<sup>12</sup> At the core of the Commitment are three actions that signatories commit to:

- eliminate all problematic and unnecessary plastic items
- innovate to ensure that the plastics we do need are reusable, recyclable or compostable
- circulate all the plastic items we use to keep them in the economy and out of the environment.

In 2019, the ACT and South Australian Governments announced the introduction of bans on single-use plastic items (Attachment B).

More individual businesses, including large supermarkets, Quick Service Restaurants on a national scale and individual cafes, pubs and events are also taking voluntary steps to phase out items such as straws, stirrers and cutlery. In 2018, McDonald's announced that it would phase out plastic straws by the end of 2020 across all of its 970 stores nationwide<sup>13</sup> and Woolworths announced that it would no longer sell single-use plastic straws through its supermarkets.<sup>14</sup>

Initiatives such as the Plastic Free Places initiative, run by Boomerang Alliance and piloted initially in Noosa, help to engage communities and businesses to promote sustainability and support cafes, markets, restaurants and events to move away from single-use plastic products to better environmental alternatives. Boomerang Alliance have recently handed over the running of the initiative to Tourism Noosa, who have supported the project since it started in February 2018.

This program is now being extended to Cairns and Townsville communities and is also being progressively rolled out nationally.

Although none of these actions alone signal an end to single-use plastics, they do show the increased awareness among cities, countries and the international community to take action to reject products that are used once and thrown away to the cost of waterways, land and wildlife.

At a local government level, in March 2019, the Hobart City Council passed a by-law to ban single-use plastics by 2020. The ban applies to any business that provides or sells takeaway food and prohibits the use of takeaway food containers, straws, sauce sachets, cutlery, coffee cups and lids. Concerns raised by the Tasmanian Small Business Council have stated that the strategy would be better adopted by the state government, similar to the 2013 plastic bag ban.<sup>15</sup> The Hobart City Council has indicated that businesses will have six to 12 months to comply.

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<sup>12</sup> <https://www.newplasticseconomy.org/projects/global-commitment>

<sup>13</sup> [https://mcdonalds.com.au/sites/mcdonalds.com.au/files/McDonalds\\_Plastic\\_Straws\\_July\\_2018.pdf](https://mcdonalds.com.au/sites/mcdonalds.com.au/files/McDonalds_Plastic_Straws_July_2018.pdf)

<sup>14</sup> <https://www.woolworthsgroup.com.au/page/community-and-responsibility/corporate-responsibility-news-updates/planet/paper-straw-news/>

<sup>15</sup> <https://www.abc.net.au/news/2019-03-05/hobart-to-ban-single-use-plastic/10869790>



Other Australian states and territories have recognised the need to act more decisively. The South Australian and ACT governments have both announced that legislated bans will be introduced for specific single-use plastic items (Attachment B). This is in direct response to community feedback during consultation on discussion papers released in 2018.

The items under Stage 1 of the legislated ban (single-use plastic straws, stirrers, plates and cutlery) have been chosen because:

- they have a high degree of consumption in Queensland (see Box 1)
- they contribute to the waste and litter streams in Queensland
- they can be avoided or have readily available alternatives
- there is a high level of community and business support for action.

**Figure 1 – Consumption of single-use plastic straws.**

**So how many plastic straws are we using?<sup>16</sup>**

While it is often quoted that Australians use 10 million plastic straws a day, the truth is that it is difficult to put a firm number on it. A rough estimation, based on what the War on Waste (WoW) team tallied in 2018 shows:

Pubs that were polled by WoW used an average of about 90,000 straws per year. Across the more than 6,000 pubs in Australia, that's 540 million straws used by pubs alone each year.

If you add in fast food chains, there are over 900 McDonald's restaurants across the country, serving more than 1.7 million people a day. If only half of those customers got a straw, that one fast food chain would account for more than 850,000 straws a day. In 2019 there were an estimated 50,000 fast food restaurants in Australia.<sup>17</sup>

This does not take into consideration the straws that other fast food chains, RSLs, cafes, restaurants, food courts, movies, airlines, sports grounds, supermarkets, schools, hotels and hospitals use daily.

The WoW team concluded that, based on these estimates 10 million straws per day is probably not too far off, and may even be an underestimation.

The Report Trends in quick service, fast food restaurants in Australia 2019<sup>18</sup> also highlighted that the use of 'environmentally friendly packaging will continue to grow as we minimise the use of plastic and increase the use of biodegradable options'.

<sup>16</sup> <https://www.abc.net.au/news/science/2018-08-05/plastic-straws-how-many-do-we-really-use-war-on-waste/10042990>

<sup>17</sup> [http://www.the-drop.com.au/wp-content/uploads/2016/11/EatingOutinAustralia\\_2017\\_Respondent-Summary.compressed.pdf](http://www.the-drop.com.au/wp-content/uploads/2016/11/EatingOutinAustralia_2017_Respondent-Summary.compressed.pdf)

<sup>18</sup> *ibid*

### Previous consultation on single-use plastics in Queensland

Between November 2016 and February 2017, consultation on the proposal to ban the supply of single-use lightweight plastic shopping bags in Queensland was undertaken through the discussion paper *Implementing a lightweight plastic shopping bag ban in Queensland*.<sup>19</sup> More than 26,000 submissions were received.

In response to the question: “Do you think that 1 July 2018 allows enough time for consumers and retailers to transition to plastic bag alternatives? Why/why not?” 96 per cent of submissions supported this start date providing reasons, including:

- “A ban is necessary to reduce plastic litter and protect the environment and wildlife.”
- “There are already existing alternatives for plastic bags available, so transition should be fairly straightforward.”
- “1 July 2018 gives plenty of time to transition.”
- “Ban should be implemented sooner than 1 July 2018 and it is frustrating it is taking so long.”
- “Bans are successful in other states and nations.”
- “Many consumers are already using reusable bags and refusing to use plastic bags.”
- “There is an urgent need to educate the public to use reusable alternatives.”

In response to the question “What else can be done by the Queensland Government to address plastic pollution?” over 11,000 individual submissions responded as follows:

- “Ban plastic items such as straws, balloons, cutlery, and takeaway containers.”
- “Reduce single-use plastic products and excessive packaging.”
- “Introduce a container refund scheme.”
- “Raise awareness about recycling and the consequences of plastic pollution.”
- “Discontinue the use and vending of bottled water.”
- “Provide incentives for consumers who recycle and use reusable alternatives.”
- “More public recycling bins.”
- “Heavier penalties and stricter laws for littering.”

Feedback from peak bodies, individual businesses, and community groups indicates that there is already considerable action being undertaken to reduce the use of single-use plastics and the concept of a ban is supported. Recent feedback has consistently stated that a lead time of between six and 12 months would be needed as a period of adjustment for businesses and the community – which is in line with the feedback on the plastic shopping bag ban.

Increasingly, plastic items are being replaced on supermarket shelves, and brands are offering a greater range of paper, bamboo and reusable alternatives.

In addition to the ban, from 2020 onwards, the Queensland Government will lead by example and exclude the use of specific single-use plastic items from Queensland Government sponsored events and use government’s purchasing power to reduce plastic use, require recycled plastic content and transform the supply market.

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<sup>19</sup> <https://cabinet.qld.gov.au/documents/2016/Jul/Pbags/Attachments/Paper.PDF>

These transformations will require a whole-of-government approach and commitment to ensure that implementation at events is smooth and event organisers are aware of the requirements when seeking Queensland Government sponsorship. A period of adjustment is also likely to be required for government departments to ensure that future procurement of goods recognises the move to more sustainable options and recycled content in products where practicable.

The Queensland Government will also continue to work with and support the work of organisations such as the Australian Packaging Covenant Organisation (APCO) in implementing the 2018 Meeting of Environment Minister's agreed overarching target that all Australian packaging be reusable, recyclable or compostable by 2025.<sup>20</sup>



Left: *Example of voluntary action towards more sustainable plastic shopping bags.*

The Queensland Government is also leading national work on behalf of all jurisdictions and in conjunction with the National Retail Association and APCO to develop a retailer Code of Practice for Sustainable Shopping Bags.

All Australian states and territories, with the exception of New South Wales, have in place a ban on the supply of single-use lightweight plastic shopping bags (bags that are less than 35 microns in thickness). The voluntary Code of Practice focuses on heavyweight plastic bags that are prevalent in department stores and creates a framework for more sustainable plastic shopping bags, where a bag is required and that bag must be plastic.

The Queensland Government recognises that some people and institutions may still require access to single-use plastic straws and cutlery. This may be due to permanent or temporary disability and healthcare needs, and dexterity and grip issues for elderly people that mean that alternative products are not a suitable replacement. Some institutions such as hospitals and corrective services facilities may still require access to plastic utensils and straws to maintain health and safety standards. As a result, legislation will be prepared to provide exemptions to the ban for such uses.

This RIS provides an assessment of the feasibility of options, including the introduction of a ban on the supply of single-use plastic straws, stirrers, plates and cutlery, and recommends that the government consider the introduction of amendments to the *Waste Reduction and Recycling Act 2011* to enable the ban to be implemented.

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<sup>20</sup> <https://www.packagingcovenant.org.au/who-we-are/australias-2025-national-packaging-targets>

## 2.0 Identification of the problem

Plastic plays an important role in our lives. Plastic is used in a wide range of applications and has a number of benefits including the maintenance of the integrity and safety of food products, providing low-cost manufacturing options, keeping transported goods free from damage and lighter to move around, and making vehicles, componentry and equipment lighter and more manoeuvrable and flexible.

However, as much as plastic is useful and ubiquitous in our society, there are also costs associated with the convenience and benefits that plastic provides.

As identified by Resource Futures (2018), “the costs are not incorporated in the price of the products. Consumers are not incentivised to limit the use nor dispose of these plastic items correctly. The market is failing to deliver an efficient outcome. Consequently, an intervention can be justified to address the market failure.”

Single-use plastic straws, stirrers, plates and cutlery consistently make up the top 10 of littered items in state, national and international litter surveys.

In the European Union cutlery, straws and stirrers rank seventh in the top 10 of most commonly found single-use plastics.<sup>21</sup> In the latest Ocean Conservancy Report (2019), their annual International Coastal Clean Up lists plastic straws and stirrers globally as third in the top ten items collected, with cutlery fifth and plates and plastic cups tenth. In Australia these items are third, fourth and tenth respectively.<sup>22</sup>

There is evidence to suggest that the littering of these single-use plastic items is significant in Queensland. This evidence includes:

- Tangaroa Blue conducts and analyses clean-ups on beaches across Australia. Data from their 2016 and 2017 activities found that approximately 75 per cent of litter on beaches was plastic including over 20 per cent of total litter in the form of Plastic Consumer Items, including straws, confection sticks, cups, plates and cutlery. From beach clean ups conducted around Townsville and Magnetic Island between 2008 and 2017, volunteers collected and reported more than 67,000 litter items. Sixty-two per cent of these items were plastic, including disposable items such as straws.<sup>23</sup> Plastic straws are listed as one of the top 10 most found items on their beach cleans.
- Clean Up Australia reports that following Clean Up Australia Day activities in Queensland in 2019, plastic straws were the tenth most common item reported, making up 2.7 per cent of the total of rubbish surveyed.<sup>24</sup> This is an increase of two places from 2018.
- The South West Queensland Litter Prevention Pilot Project undertaken by the then Department of Environment and Heritage Protection audited litter near highways between 2014 and 2016. It found plastic was the most littered material type in the region, accounting for 32 per cent of litter. The audit found take away containers/packaging and utensils and straws accounted for around seven per cent of litter observed. Litter was dominated by beverage containers, which accounted for 30-40 per cent of litter.

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<sup>21</sup>[https://publications.jrc.ec.europa.eu/repository/bitstream/JRC108181/technical\\_report\\_top\\_marine\\_litter\\_items\\_eur\\_29249\\_en\\_pdf.pdf](https://publications.jrc.ec.europa.eu/repository/bitstream/JRC108181/technical_report_top_marine_litter_items_eur_29249_en_pdf.pdf)

<sup>22</sup> <https://oceanconservancy.org/wp-content/uploads/2019/09/Final-2019-ICC-Report.pdf>

<sup>23</sup> <https://www.tangaroablue.org/resources/reports-publications/reports/>

<sup>24</sup> [https://irp-cdn.multiscreensite.com/ed061800/files/uploaded/QLD\\_Rubbish%20Report\\_2019.pdf](https://irp-cdn.multiscreensite.com/ed061800/files/uploaded/QLD_Rubbish%20Report_2019.pdf)

### Lack of coordinated action is not meeting community expectations

Community awareness of the issue of plastic waste and plastic pollution is at an all-time high level. Programs such as ABC's War on Waste as well as global and national awareness campaigns by organisations such as Greenpeace, The Last Straw and Plastic Free July, and local campaigns such as Straw No More and Plastic Free Places have led to communities and businesses being vocal in their expectations that governments take action.

An Ipsos study undertaken in 2019 titled, Responsibility for reducing plastic use in Australia,<sup>25</sup> found that, in response to the question: "Who if anybody do you believe should take most responsibility for finding a way to reduce the amount of unnecessary packaging which is sold?" around 46 per cent of Australians believed that all of the producers, sellers, consumers and the government were responsible for finding ways to reduce plastic use. Eleven per cent believed the government should be responsible.

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<sup>25</sup> <https://www.statista.com/statistics/1000161/australia-responsibility-for-reducing-plastic-use/>

### 3.0 Objectives of government action

The primary objective for the Queensland Government is to reduce the amount of plastic pollution resulting from single-use plastic items in the environment by 20 per cent by 2023.

The secondary objective of any action needs to minimise the impact of any regulatory approach on the community and business and industry.

## 4.0 Consideration of options

The following options have been considered.

- Base case: Maintain the status quo.
- Introduce legislation in 2020 to ban the supply of single-use plastic straws, stirrers, plates and cutlery.
- Implement a state-wide education and awareness campaign to inform individuals and businesses about the impacts of single-use plastics and provide business incentives to switch.
- Install additional litter collection and clean up infrastructure.
- A tax or advance disposal fee on single-use plastic straws, stirrers, plates and cutlery, which could also be expanded to coffee cups, other plastic cups, takeaway food containers and heavyweight plastic bags following further analysis.
- Product stewardship schemes for individual single-use plastic items.
- Providing much higher penalties for littering plastic items.

### Reasons some options have not been considered

#### 1. A tax or advance disposal fee

In an effort to reduce plastic waste, some countries, such as the United Kingdom (UK), have considered the introduction of a single-use plastics tax. How it is applied varies, however, the UK proposal stated that all food and drink companies would be taxed on all plastic packaging that does not include at least 30 per cent recycled content and covering products manufactured in the UK and imported.<sup>26</sup>

A variation on this is the introduction of an advance disposal fee (ADF), where a charge covering the cost of recovery or disposal is applied at the point of sale of the item. For example, Florida introduced an advance disposal fee in 1993 as an alternative approach to introducing a container scheme.

#### **Florida Advance Disposal Fee<sup>27</sup>**

The ADF placed a 1 cent fee on all rigid and semi-rigid containers made from glass, aluminium, steel, plastic and paperboard (or a combination).

In 1994 the fee was raised to 2 cents. The law required that any container type reaching a sustained recycling rate of 50 per cent was exempt from the fee.

Aluminium and steel cans were exempt at the outset, because, according to their industry representatives, they were being recycled at rates of 57 and 51 per cent respectively.

The glass and plastics industries negotiated a different threshold for their containers, and in 1994 glass was granted an exemption by achieving a 35 per cent recycled content rate and PET and HDPE plastic bottles were exempted after achieving a 25 per cent recycled content rate.

A December 1994 survey by the Council on Packaging in the Environment (COPE) found that only 36 percent of Florida's residents knew that there was such a law.

The ADF reportedly generated an estimated \$65 million to the state, but it did little to solve the problem of litter and waste.

<sup>26</sup> <https://www.foodbev.com/news/uk-government-to-introduce-tax-on-single-use-plastics/>

<sup>27</sup> <http://www.bottlebill.org/index.php/benefits-of-bottle-bills/advanced-disposal-fees>

The ADF law sunset in 1995, and Florida's citizens were left with three billion beer and soft drink containers that continue to be landfilled every year, and tens of millions that litter the state.

Neither of these options have been explored further as a state cannot unilaterally raise a fee or charge that is a tax. This option would need to be pursued at a national level.

## 2. *Product stewardship scheme for single-use plastics*

In 2019, a private member Bill, the Product Stewardship Amendment (Packaging and Plastics) Bill 2019 (Cth) (the Bill) was proposed.<sup>28</sup> The Bill aims to combat the use of single-use plastics in Australia by establishing a mandatory product stewardship scheme for manufacturers, importers and distributors. The proposed product stewardship scheme aims to reduce and eliminate the use of non-recyclable and non-compostable single-use plastics from packaging and from certain products. The Bill also proposes to ban:

- lightweight plastic carrier bags and products consisting of microbeads by January 2021
- by January 2023:
  - single-use plastics in cotton buds, balloon sticks and connected rings
  - non-compostable single-use plastics in straws, stirrers, cutlery, plates, bowls, dishes and kitchen utensils
  - expanded polystyrene and oxo-degradable plastic in single-use food or beverage containers.

In New Zealand, the government had considered a ban for some single-use plastic items following overwhelming public support for this approach (82 per cent); however in August 2019, the government announced it would instead investigate a product stewardship scheme for a variety of products.<sup>29</sup>

A co-regulatory product stewardship scheme for packaging is already in operation in Australia under the National Environment Protection (Used Packaging Materials) Measure. The NEPM is given effect in each state and territory through regulation and enforcement of free-riders is undertaken by states and territories. The Australian Packaging Covenant Organisation is the not-for-profit company established to administer the industry-run voluntary actions through the Australian Packaging Covenant.

Queensland's *Waste Reduction and Recycling Act 2011* contains product stewardship provisions that allow the state to identify particular products or sectors for the preparation of voluntary, co-regulatory or mandatory product stewardship schemes.

However, in this circumstance a product stewardship scheme is considered unviable to reduce single-use plastic items as the majority of manufacturers (the product stewards) are located out of Queensland (including overseas). The aim of intervention is to reduce the consumption of single-use plastic items while stewardship schemes broadly enable products to be sold while placing obligations on manufacturers to pay for the costs of collection and recycling or disposal. As single-use plastics are used by businesses operating nationally, any such scheme should be undertaken at a national level. The costs of collection and management are generally ultimately borne by the consumer through increased prices.

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<sup>28</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=s1226](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1226)

<sup>29</sup> <https://www.tvnz.co.nz/one-news/new-zealand/single-use-plastic-bans-hugely-time-consuming-not-efficient>



### 3. Higher penalties for littering plastic items

The *Waste Reduction and Recycling Act 2011* contains offence provisions relating to litter and illegal dumping. Littering is defined as the deposit of less than 200 litres of waste at a place, with illegal dumping being more than 200 litres.

Littering also includes dangerous littering which means depositing waste that causes or is likely to cause harm to a person, property or the environment. For example, this includes a lit cigarette thrown onto dry grass or smashing a glass bottle and leaving the broken glass on the footpath.

There is potential to include single-use plastics under this framework specifically, either as a separate offence or as a subset of dangerous littering. However, the issue with littering is that the action is often not seen or the person who has littered is unknown, leaving the item still in the environment with no real way of recouping the costs of clean up or disincentivising the behaviour. While consequences such as fines for behaviours such as littering can be effective, there needs to be a credible threat that the consequences will be able to be delivered.

Four options have been considered as part of this RIS.

1. Base case: Maintain the status quo.
2. Introduce legislation in 2020 to ban the supply of single-use plastic straws, stirrers, plates and cutlery.
3. Implement a state-wide education and awareness campaign to inform individuals and businesses about the impacts of single-use plastics and provide business incentives to switch.
4. Install additional litter collection infrastructure and equipment.

#### Option 1 Base case: Maintain the status quo

This option means that no new laws would be introduced to regulate the supply or distribution of single-use plastic straws, stirrers, plates and cutlery in Queensland.

This option relies on a continuation of largely voluntary actions and commitments by businesses to phase out single-use plastics and draws on the actions in the Plan around expanding the Plastic Free Places initiative, excluding the use of single-use plastic items from Queensland Government sponsored events, and use of government purchasing power.

##### **Case study – voluntary initiative**

##### **Plastic Free Places – Noosa (February 2018)<sup>30</sup>**

The Plastic Free Places initiative started as a pilot in Noosa in February 2018. The program is run by Boomerang Alliance with the support of Tourism Noosa, Noosa Council and the Department of Environment and Science.

In late 2019 Boomerang Alliance handed over the running of the program to Tourism Noosa. The program is being rolled out in other communities nationally and in Cairns and Townsville.

- As at 31 December 2019 Plastic Free Places – Noosa has the following participants:
  - 204 cafes, hotels, restaurants
  - 20 event and market organisers

<sup>30</sup> [https://16bec440-361f-46d5-9362-](https://16bec440-361f-46d5-9362-76f9485cf8dc.filesusr.com/ugd/6a1af1_cb4f6c292a7c4144ba6ec3de7b56adca.pdf)

[76f9485cf8dc.filesusr.com/ugd/6a1af1\\_cb4f6c292a7c4144ba6ec3de7b56adca.pdf](https://16bec440-361f-46d5-9362-76f9485cf8dc.filesusr.com/ugd/6a1af1_cb4f6c292a7c4144ba6ec3de7b56adca.pdf)

- 63 plastic free champions, who have eliminated all of the targeted items (straws, coffee cups and lids, takeaway containers and lids, foodware (cutlery, plates and cups)), water bottles and bags.
- Between the participants, more than 4,300,000 single-use plastic items have been eliminated.
- Some businesses have replaced these items with compostable alternatives (which are sent to local composting facilities) while other businesses have chosen to avoid providing a single-use item.

In 2018, the Noosa Wine and Food Festival became the first event in the region to introduce a commercial composting stream, sending 0.48 tonnes of material for composting. In 2019, this increased to 1.3 tonnes.

## Option 2 Introduce a ban on single-use plastic straws, stirrers, plates and cutlery

This option sees the introduction of a legislated ban on the supply of single-use plastic straws, stirrers, plates and cups starting on 1 July 2021 and applying to manufacturers, wholesalers, retailers and distributors selling, or giving, a banned item in Queensland.

Under this option there will be recognition of the disability and healthcare needs of people and provision will be made to allow accessibility to these items (in particular plastic straws).

Similar to the ban on the supply of single-use lightweight plastic shopping bags, introduced on 1 July 2018, this option would see offences for providing false and misleading information about a banned item and for businesses who provide a banned item that are not a registered or exempt business (in relation to providing disability and healthcare access).

This option is largely similar to the announced reforms in South Australia and the ACT and recognises the need to maintain, as much as possible, consistency with other Australian states and territories.

## Option 3 Implement a state-wide education and awareness campaign to inform individuals and businesses about the impacts of single-use plastics and provide business incentives to switch

Under this option, a state-wide education campaign informing people of the impacts of single-use plastics and providing information about how to reduce consumption would be developed in order to provide a consistent message to consumers and businesses. For businesses wanting to make the switch, this would include information about sourcing alternatives, and would look at the provision of incentives to encourage movement away from single-use plastic items.

This option would see greater emphasis on partnerships with organisations such as Boomerang Alliance to continue the expansion of the Plastic Free Places initiative. Additional emphasis on single-use plastic items, beyond packaging, may also be possible through work that the Australian Packaging Covenant Organisation is doing with packaging brand owners and Covenant signatories.

This option would also see the Queensland Government introduce an initiative to encourage businesses to commit to 'going plastic free' through the introduction of an initiative to 'Say goodbye to singles'. A similar initiative organised by a private business is being run in the United Kingdom ([www.plasticfreepledge.com](http://www.plasticfreepledge.com)). The Australian Packaging Covenant Organisation announced the development of the ANZPAC Plastic Pact on 2 March 2020.

#### **Australian Packaging Covenant Organisation – ANZPAC Plastic Pact<sup>31</sup>**

The Australian Packaging Covenant Organisation (APCO) is a co-regulatory not-for-profit organisation partnering with government and industry to reduce the environmental impact of packaging.

APCO has announced that it will lead the development of the Australia, New Zealand and Pacific Islands (ANZPAC) Plastics Pact as part of the Ellen MacArthur Foundation's global Plastics Pact network.

The ANZPAC Plastics Pact will formally launch to the public in late 2020 and will work with businesses, governments and non-government organisations across the plastics value chain to develop a common vision for a plastics circular economy.

Under this option, the Queensland Government could take a leadership role by eliminating single-use plastic consumption at its own government-run or sponsored events and through government's own purchasing policies.

#### **Option 4      Install additional litter infrastructure and equipment**

This option would see an increased roll out of litter infrastructure including litter bins, stormwater intercept devices and gross pollutant traps by local governments and around areas where single-use plastics such as straws, stirrers, plates and cutlery are commonly used and discarded (e.g. food courts in major shopping centres, parks, footpaths, near Quick Service Restaurants).

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<sup>31</sup> <http://www.packagingnews.com.au/sustainability/apco-announces-anzpac-plastics-pact>

## 5.0 Impact analysis of the options

This section considers the benefits and costs for individuals (including people with disability or those with healthcare needs), the community, businesses and government (state and local) of the options assessed against the base case of maintaining the status quo.

There is not always clear quantifiable data on the impacts to these groups. In some instances this is likely because these items are often discretionary or irregularly purchased and only constitute a marginal component of a household budget. The per unit cost to business in providing the item is relatively low and can be factored into the price of food and drinks – in a similar way to accounting for the cost of providing a ‘free’ lightweight plastic shopping bag.

One purpose of this RIS is to elicit additional information during the consultation on the costs and benefits of each option. The following information summarises the impacts of the options and provides a comparison of the benefits and constraints against the base case (Option 1).

### Option 1: Base case – Maintaining the status quo

While this option would not see new Queensland Government legislative intervention, there may be an increase in the number of local governments and businesses taking individual action to reduce single-use plastics in their local government area.

This option is likely to see levels of consumption and litter around these items remain largely the same, or perhaps slightly increase if indicated global production trends for plastics and single-use plastics continue to increase and populations increase. As most of these items are imported, Queensland has very little influence at a voluntary level to influence reductions. Any improvement in consumption and litter reduction is likely to occur slowly over a longer period of time.

This option is also unlikely to satisfy community expectations around actions – in particular government action – to reduce single-use plastics. In 2018, almost 400,000 people signed a change.org petition against unnecessary plastic and hundreds of people posted photos on social media using the hashtag #ridiculouspackaging after being urged to by Greenpeace.

This option is unlikely to be supported by businesses operating nationally. Feedback from retailers during Queensland’s consultation in 2015 about the introduction of a plastic shopping bag ban clearly indicated that, if a ban is introduced it needed to be as consistent as possible with bans in other states.

Stakeholder	Issues
<b>Individuals and community</b>	
Individuals	<p>Individuals retain the choice of keeping or refusing a single-use plastic item.</p> <p>There may not be enough ‘critical mass’ of voluntary action to effect real and sustained change across the community.</p> <p>Minimal benefit to the environment will result as items will still be available to be littered and pollution will be maintained.</p> <p>Future reductions may be harder to achieve if members of the community become less willing to substitute single-use plastics and continue their use.</p> <p>Individuals may be confused regarding the availability of items if some businesses don’t provide and some do.</p>

People with disability or healthcare needs	<p>Single-use plastics remain readily available for people who need them.</p> <p>In the absence of regulation many venues and companies may continue to phase single-use items out and the lack of consistency across venues may result in confusion.</p>
Community	<p>No additional costs of regulation imposed.</p> <p>No additional cost to community organisations and local governments in using up stocks of banned items.</p> <p>Achieving significant reduction in single-use plastic consumption, waste and pollution relies on voluntary action across the community.</p> <p>Actions will remain ad-hoc and isolated to individual businesses.</p> <p>Does not address community expectations that government and packaging producers will take strong action.</p> <p>May still be a community cost in cleaning up litter and in the provision of additional litter bins.</p> <p>Minimal benefit to the environment will result as items will still be available to be littered and pollution will be maintained.</p>
<b>Business sector</b>	
Retail	<p>No additional costs or requirements placed on retailers.</p> <p>May give businesses who choose not to reduce single-use plastics an advantage as alternatives cost slightly more.</p> <p>Provides no certainty about whether the government will act in the future – or when and on what items.</p> <p>May see businesses who have moved to alternatives or made decisions not to provide these items change back to providing single-use items if there is a perceived advantage for their competitors.</p>
Tourism	<p>No additional costs or requirements placed on tourism operators.</p> <p>Businesses in high tourist areas providing ‘green’ experiences may see an increase in bookings as more people look for opportunities to reduce single-use plastic – especially if a number of these tourists come from countries and states where single-use plastic items have already been banned.</p>
Food service and hospitality	<p>No additional regulation or cost as businesses can choose to provide single-use items or not.</p> <p>First movers who voluntarily substitute away from single-use plastics may receive a small market advantage if consumers’ preferences move away from single-use plastics.</p>

	<p>Does not provide a consistent approach and relies on early movers.</p> <p>Small businesses may feel they don't have sufficient information to make informed decisions about alternatives or what their customers want.</p>
<b>Government</b>	
Queensland Government	<p>No additional costs incurred around enforcement and compliance as there is reliance on voluntary action.</p> <p>Government may decide to take action in the future to be consistent with activities in other states.</p>
Local government	<p>No additional costs incurred around enforcement and compliance as there is reliance on voluntary action.</p> <p>Individual councils may rely on the development of individual local laws to reduce single-use plastic use in their local government area.</p>

## Option 2 – Ban on the supply of single-use plastic straws, stirrers, plates and cutlery

Option 2 would result in the introduction of legislation in 2020 to enable a ban on the supply of single-use plastic straws, stirrers, plates and cutlery.

The ban is proposed to take effect from the 1 July 2021, however there would likely need to be an additional transition period of three months to enable businesses to decrease stock-on-hand and not incur an unnecessary compliance cost.

The success of the Queensland Government ban on single-use plastics bag has provided a strong framework for engagement and compliance that could be used as the model for the proposed ban on the supply of single-use plastic straws, stirrers, plates and cutlery.

Under this model, the Queensland Government will rely on peak bodies (such as National Retailers Association and the Australian Food and Grocery Council) to raise awareness of the ban as a proactive means to reduce enforcement activities.

This was a particularly effective strategy for the plastic shopping bag ban, with more than 14,000 retailers engaged over 18 months in the *It's in the Bag* campaign run through the National Retail Association (NRA). Any reports from the public through an 1800 number regarding potentially non-compliant individual retailers were investigated by the NRA. This resulted in resolution of all reports (175) without the requirement for enforcement action by the State. The department would build upon this knowledge in the implementation of the ban.

If State enforcement action was required this would be undertaken through the Environmental Services and Regulation Division of the Department of Environment and Science (the department). This may involve actions such as spot audits of businesses referred to the department for follow-up action to verify reports of non-compliance, issuing on-the-spot fines if information is verified and potential escalation to investigation and court.

The single-use plastic shopping bag ban legislation imposes maximum penalties of 50 penalty units for retailers giving a banned bag to a person, and for a person providing false and misleading information about a bag. One penalty unit is \$133.45 (as at 1 July 2019). If the department imposes a Penalty Infringement Notice, this would result in an on-the-spot fine of five penalty units for a corporation. Escalating enforcement action to a prosecution through the courts has the potential for a maximum 50 penalty unit offence (or \$6672.50). A similar framework for penalties for a ban on the supply of single-use plastic items will be considered.

When compared to the base case Option 1 – Maintaining the status quo – a ban will impose a minor cost on businesses as they will have to switch to alternatives rather than making this choice voluntarily. However, given the proportionately low cost of alternative products, this cost is anticipated to be minor.

The following information relates to findings from an Economic Benefits Study commissioned by the department on the Plastic Free Places – Noosa pilot. It should be noted that the costs, benefits and assumptions relate to this project, and that individual regional and community variations may change some of the assumptions. However, the information provides an indication of the costs and benefits associated with implementing a voluntary or legislated ban.

The information relates to plastic straws and cutlery (set of three) and is based on the activities of 85 businesses engaged in the program (as at October 2019).<sup>32</sup>

Assumed items used:  
 Straws (109 per day); 33,418 per year  
 Cutlery (49 per day); 15,015 per year

Additional cost of alternatives:  
 Straws: \$0.02 per item; \$601.52 per year  
 Cutlery: \$0.05 per set of three; \$750.75 per year

Total cost for these two items over a year is \$1352.27

Assuming a 25 per cent reduction for avoidance (not providing an item) this can be reduced to \$1,014.20 in increased costs over a year for straws and cutlery.

Average price comparisons – compostable vs plastic	
<b>Foodware</b>	
<i>Cutlery</i>	
Plastic cutlery set (knife, fork, spoon): \$0.058 per unit	Wood cutlery set (knife, fork, spoon): \$0.170 per unit Bioplastic (PLA) set (knife, fork spoon): \$0.238 per unit
<i>Plates</i>	
7" plastic plate: \$0.074 per plate	7" sugarcane pulp plate: \$0.063 per plate
<b>Straws</b>	
Plastic straw (regular): \$0.006 per straw	Paper straw (regular): \$0.017 per straw

Manufacturing businesses will be impacted as these items will no longer be allowed to be supplied in Queensland. However, industry information suggests that there are no companies manufacturing these items in Queensland.

Wholesalers and distributors, as well as food service, hospitality and retail businesses may also be impacted as they will need to source alternative products and will incur a cost if they have to dispose of stock-on-hand (if they have no other avenues to sell or give away the products).

People with disability or healthcare needs who still require banned items may also be impacted, as these items may not be readily available.

Persons with a Disability Australia (PWDA) note<sup>33</sup> that all current alternatives to single-use plastic straws have at least one flaw that limits their efficacy for disabled users. These include:

- difficulty in using/positioning (e.g. metal and bamboo straws)
- choking and injury hazards (e.g. paper and pasta straws)
- difficulty in coping with hot beverages (e.g. glass and paper straws).

<sup>32</sup> Plastic Free Places Program Economic Benefits Study – A Report to the Department of Environment and Science October 2019 (unpublished draft)

<sup>33</sup> <https://pwd.org.au/plastic-straw-ban/>



However, the ability for exemptions for certain businesses to still be able to provide single-use straws and other items for people with disability or healthcare needs, and other options to minimise potential impacts for individuals will be considered further.

There may also be a higher regulatory cost for business and government.

Issues for businesses around sourcing the supply of alternatives and moving stock-on-hand through can be mitigated by providing enough time before the start of the ban to allow a suitable adjustment period.

The Plastic Free Places – Noosa pilot indicated that the cost difference between a single-use plastic item and an alternative was marginal for most items except for straws, and in some cases the alternative product was slightly cheaper (as shown in the table below). The Plastic Free Places initiative has also seen suppliers produce separate alternative product catalogues so that businesses have a clear choice and understanding of the compostable product range.

However, the pilot study did not examine whether there was any perceived cost to consumers due to less choice, or whether substitute products were able to offer the same degree of utility as plastic items.

Outsourcing of communication and engagement with the various sectors through partnerships with relevant peak bodies and organisations will reduce government costs and provide a greater ability to reach impacted businesses. This approach was particularly effective during implementation of Queensland’s plastic shopping bag ban.<sup>34</sup>

There may be an impact for some small stall holders and businesses who bulk order for 12 months and, depending on the timing of the ban’s commencement, may be left with considerable ‘banned’ stock. This impact can be mitigated through the provision of sufficient lead time to adjust and use stock-on-hand.

A ban is an effective way to reduce the waste and pollution impacts of those items, (notwithstanding that some single-use plastic products will be exempt to support use by people with disability or healthcare needs, or institutions that require items for health and hygiene reasons). For example, in the six months following the major supermarkets voluntarily introducing their own lightweight plastic shopping bag across all stores nationally (20 June 2018) where a ban wasn’t already in place, the National Retail Association reported that this move prevented 1.5 billion bags from entering the environment and saw an 80 per cent drop in the consumption of plastic bags nationally.<sup>35</sup>

Consistent action taken at a state level also has the ability to recognise the actions of other states and territories and the feedback from businesses operating nationally in relation to consistent action. For example, on 2 March 2020 McDonald’s announced a voluntary phase out of plastic cutlery by the end of 2020 across all restaurants nationally.<sup>36</sup> This lends support to the assumption that businesses would prefer to enact something once in each store.

Both the ACT and South Australian Governments have announced that similar bans will be introduced and the opportunity is provided to harmonise approaches as much as practicable.

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<sup>34</sup> <https://qldbagn.com.au/>

<sup>35</sup> <https://www.abc.net.au/news/2018-12-03/supermarket-ban-sees-80pc-drop-in-plastic-bags-nationwide/10576554>

<sup>36</sup> <https://www.news.com.au/finance/business/retail/mcdonalds-to-phase-out-plastic-cutlery-across-australia-by-end-of-2020/news-story/8479e3aca151498a1f30b508f474f26d>

## Human Rights assessment

The introduction of the proposed legislation is likely to have human rights implications. The Queensland Government passed Human Rights legislation on 27 February 2019 (*Human Rights Act 2019*) which protects 23 human rights in law.

Queensland Government departments are required to consider human rights implications in relation to any legislative proposals. While legislation may breach the principles of human rights, decisions must be proportionate in that it limits rights in the least restrictive way possible to achieve the objectives of the legislation.

Human rights matters have been considered as part of the options analysis and in considering proposals around the design of the legislated ban. Relevant human rights triggered by the introduction of the proposed legislation are as follows:

- Right to recognition and equality before the law (section 15)
- Right to life (section 16)
- Right to protection from torture and cruel, inhuman or degrading treatment (section 17)
- Right to privacy and reputation (section 25).

## Summary

Human rights considerations have been taken into account as part of the proposal to introduce legislation to ban the supply of single-use plastic straws, stirrers, plates and cutlery.

Should a legislative ban be concluded as the appropriate response, consideration should be given to the design of the legislation and the inclusion of appropriate exemptions that recognise the disability and healthcare needs of individuals and minimise the impact on these groups. The proposed legislation should be reasonable and proportionate in order to meet community expectations and outcomes. The issues outlined in relation to limiting the human rights mentioned would be addressed during drafting of the amendments and following feedback and consultation with impacted sectors.

Stakeholder	Benefits	Constraints
<b>Individuals and community</b>		
Individuals	Less uncertainty and confusion for individuals as these items will not be available.	<p>May see a small increase in cost to household purchasing in not having the 'cheaper' single-use plastic items available.</p> <p>If consumers prefer the banned item over an alternative this will also be a 'cost' to the consumer.</p> <p>Depending on what the alternative product is made from there may not be a suitable alternative to landfill in some areas, meaning no real reduction in landfill disposal.</p>
People with disability or healthcare needs	Exemptions for individuals and registered businesses will ensure that these items are still available to people who need them.	<p>Single-use plastic straws are no longer available and offered alternatives may not be suitable.</p> <p>Exemptions for certain businesses to continue providing straws may create accessibility issues if there are not enough of these businesses.</p> <p>There may be a cost impact if people need to purchase an alternative product where that item was once provided with no transparent charge.</p>
Community	<p>Will lead to a reduction in littering of the banned single-use items and may lead to an overall reduction in litter.</p> <p>Effective approach to reducing single-use plastic use and litter.</p>	There may be a community cost in having to manage the transition to alternative products.
<b>Business sector</b>		
Retail	<p>No additional cost of regulation to businesses who have already made the decision to remove plastic straws and a range of other single-use plastics from sale or supply.</p> <p>Customers are already being presented with a wide range of alternatives to plastic plates and cutlery and plastic straws have already been removed.</p>	<p>Additional costs for retailers in sourcing alternatives and training staff to assist customers understand why these items are no longer being sold.</p> <p>There may be lost profits from selling the alternative product (which may be less attractive to consumers).</p> <p>Removes business choice.</p>

	<p>Provides certainty of government action – by when and what items.</p> <p>Businesses can inform consumers that it was the government’s decision, not theirs.</p>	
Tourism	<p>Can expect to see a reduction in single-use plastic litter and littered areas.</p>	<p>May add additional costs for operators due to the increased cost of alternatives.</p> <p>There may still be disposal costs if the alternative item is unable to be composted or managed through recovery channels.</p>
Food service and hospitality	<p>Legislation supports the decisions of early movers.</p> <p>Provides certainty of government action.</p> <p>Provides a consistent approach and removes the potential costs of individual local government action under a base case approach</p> <p>Businesses can inform consumers that it was the government’s decision not theirs.</p>	<p>May add additional costs for operators due to the increased cost of alternatives.</p> <p>Small businesses may feel they don’t have sufficient information to make informed decisions about alternatives or what their customers want.</p>
Manufacturer, wholesaler, distributor, importer	<p>Consistent approach and understand what is required of them.</p> <p>Businesses can inform consumers that it was the government’s decision not theirs.</p>	<p>Businesses that specialise in the manufacture or supply of single-use plastics are likely to close unless they can diversify into non-plastic alternatives. There do not seem to be any manufacturers of the proposed items in Queensland and most of these items appear to be imported.</p>
<b>Government</b>		
Queensland Government	<p>Meets community expectations of government action.</p> <p>Recognises similar actions in other states that will assist businesses operating at a national level.</p> <p>Single-use plastics comprise a small proportion of total costs.<sup>37</sup> A ban</p>	<p>Additional compliance costs and costs in preparing legislative reforms, including consultation.</p> <p>Government has no ability to regulate businesses that are located out of Queensland</p>

<sup>37</sup> Using Input Output data (ABS 5209.0.055.011), the cost share for plastic products in the accommodation industry is around 0.3% and around 0.1% in food services. Using eBay prices, the difference in price is significant, for example bulk plastic straws cost around 2c each, paper straws around 5c each, and reusable stainless steel straws around 50c each. However, when reusability, the option to provide no straw and the very small share of costs is taken into account the likely impact on business is modest.

	<p>mandates the use of substitutes which may be a marginally higher cost than single-use plastics (if not they would have already displaced single-use plastics). In many cases, hospitality venues would not need to offer a substitute (e.g. drinking without a straw) but if a substitute was offered the cost share is minor and accordingly the cost impost would be minor, even though alternatives are more expensive.</p> <p>Litter audits will help to gather information about the efficacy of the ban and identify other priority areas.</p>	<p>Government has no visibility over businesses who may direct import these items.</p> <p>No current baseline information regarding the amount the volume of these items in the litter stream. Costs to government in undertaking litter audits to gather information and undertake trend audits to determine efficacy of the ban.</p>
Local government	<p>Will help reduce local government costs in relation to managing litter.</p> <p>Supports the moves of some local governments in developing policies to phase out these items from council premises and events.</p> <p>Removes the cost of having to develop individual local laws.</p> <p>Litter audit information will assist local governments in understanding the priority items and help tailor community and sectoral messaging.</p>	<p>Will require local government facilities and events to move to alternatives or not provide an item at all.</p> <p>May need to prepare community messaging.</p>

### Option 3 – Implement state-wide education and awareness campaign to inform individuals and businesses about the impacts of single-use plastics and provide business incentives to switch

Compared to Option 1 the benefits and constraints of Option 3 are similar. Under this option there may be additional costs to governments in rolling out greater community and business messaging to raise awareness of the issues with single-use plastic items and encourage reduction. There may also be costs associated with running a pledge or commitment program and additional incentives to support small businesses in moving away from single-use plastic items.

However, there may also be consumer backlash against individual voluntary actions. For example, when Woolworths and Coles announced a voluntary single-use plastic shopping bag ban in all states where a ban wasn't already in place, this announcement and the changing decisions around charging for alternatives was met with customer backlash.<sup>38</sup>

Stakeholder	Benefits	Constraints
<b>Individuals and community</b>		
Individuals	<p>Individuals retain the choice of keeping or refusing a single-use plastic item.</p> <p>Individuals may also choose to minimise use.</p> <p>Increased messaging and awareness may help individuals make informed choices.</p>	<p>There may not be enough 'critical mass' of voluntary action to effect real and sustained change across the community.</p> <p>Future reductions may be harder to achieve if members of the community become less willing to substitute away from single-use plastics continue their use.</p> <p>Individuals may be confused regarding the availability of items if some businesses don't provide and some do.</p>
People with disability or healthcare needs	<p>Single-use plastics remain readily available for people who need them.</p>	<p>In the absence of regulation many venues and companies may continue to phase single-use items out and the lack of consistency across venues may result in confusion.</p>
Community	<p>No additional costs imposed by regulatory bans forcing change.</p> <p>No additional cost to community organisations and local governments in using up stock of banned items.</p>	<p>Achieving significant reduction in single-use plastic consumption, waste and pollution relies on voluntary action across the community.</p> <p>Actions will continue to be ad hoc and isolated to individual businesses.</p> <p>Does not address community expectations that government and packaging producers will take strong action.</p>

<sup>38</sup> <https://www.abc.net.au/news/2018-08-30/coles-deadline-for-free-reusable-plastic-bags-expires/10181800>

		May still be a community cost in cleaning up litter and in the provision of additional litter bins.
<b>Business sector</b>		
Retail	<p>No additional costs or requirements placed on retailers.</p> <p>Businesses entering into a visible and credible pledge or commitment program may encourage customers to patronise these businesses.</p> <p>A uniform awareness program will take away reliance on individual messages and provide a more consistent approach.</p>	<p>May give businesses who choose not to reduce single-use plastics an advantage as alternatives cost slightly more.</p> <p>Provides no certainty about whether the government will act in the future – or when and on what items.</p> <p>May see businesses who have moved to alternatives or made decisions not to provide these items at all change back to providing single-use items if there is customer backlash or a perceived advantage for their competitors.</p> <p>May be consumer backlash if voluntary action is taken to remove these items for sale.</p> <p>Difficult to determine the appropriate level of incentive and where it may be most effective in the supply chain.</p>
Tourism	<p>No additional costs or requirements placed on tourism operators.</p> <p>Businesses in high tourist areas providing ‘green’ experiences may see an increase in bookings as more people look for opportunities to reduce single-use plastic and be more considerate of the environment.</p>	<p>May only have a marginal impact in helping to clean up litter if not all businesses take action, which can impact on visitor experience at places.</p> <p>Does not provide consistency across the sector.</p>
Food service and hospitality	<p>No additional regulation or cost as businesses can choose to provide single-use items or not.</p> <p>First movers who voluntarily substitute away from single-use plastics may receive a small market advantage if consumers’ preferences move away from single-use plastics.</p> <p>Businesses entering into a visible and credible pledge or commitment</p>	<p>Does not provide a consistent approach and relies on early movers.</p> <p>Small businesses may feel they don’t have sufficient information to make informed decisions about alternatives or what their customers want.</p> <p>Customers may think a voluntary pledge or commitment is ‘greenwash’ especially if the commitment is self-nominated and here is no follow up reporting or monitoring.</p>

	program may encourage customers to patronise these businesses.	
<b>Government</b>		
Queensland Government	<p>No additional costs incurred around enforcement and compliance as there is reliance on voluntary action.</p> <p>Allows industry-led action that can be tailored to best fit the needs of particular businesses.</p>	<p>No certainty that there will be sufficient reduction in single-use plastics to achieve the government’s objective.</p> <p>Does not meet community expectations that government will take strong action.</p> <p>May cost government more to roll out an awareness and education program.</p> <p>Any potential small business grants program will put government in the position of having to ‘pick winners’.</p>
Local government	<p>No additional costs incurred around enforcement and compliance as there is reliance on voluntary action.</p> <p>Local governments can leverage off any state-wide education and awareness program by the government.</p>	<p>Individual councils may rely on the development of individual local laws to reduce single-use plastic use in their local government area</p> <p>May be a need to install additional litter bins and stormwater intercept devices to prevent single-use plastic litter entering the environment – at an additional servicing and maintenance cost.</p>



#### Option 4 – Installation of additional litter bins and equipment

Compared to Option 1, the benefits of Option 4 are that additional litter collection infrastructure should see a reduction in litter overall, including single-use plastic litter. Constraints include additional costs to local governments, the community, shopping centres, pubs and clubs and Quick Service Restaurants in installing, servicing and maintaining the additional bins.

This option, as with Options 1 and 3, may only see a marginal change in littering behaviour as additional infrastructure doesn't always equate to changed behaviour.

Behavioural research also shows that bins alone are not effective in changing behaviour and that any education or awareness campaign needs to be over the long term in order to achieve sustained behavioural change.

Litter behaviour research indicates that most people will only walk around five metres to a litter bin to deposit their item. It would be impractical in many situations to place bins at more frequent intervals – and would increase the costs of servicing and maintenance.

Research also indicates that antecedents – a request, prompt, or condition which precedes a behaviour in an attempt to drive that particular behaviour are about 20 per cent effective at changing behaviour. Examples of antecedents include anti-littering signs, the presence of a litter bin or an education campaign in a school.<sup>39</sup>

There are many reasons why littering may be a preferred behaviour, for example throwing an item on the ground is quicker and easier than walking to a bin as it requires less effort. A person may also see someone else littering or see litter on the ground which devalues the action of using the bin.

Stakeholder	Benefits	Constraints
<b>Individuals and community</b>		
Individuals	Increased litter bin infrastructure may make it easier for people to avoid littering as bins are better positioned.  Increased litter reduction.	The additional costs to local government and food outlets is likely to be borne by individuals through increased prices.  Doesn't address the objective of reducing plastic waste – is not preventative and still deals with the material after it is generated, relying on individual choices to bin or litter.
People with disability or healthcare needs	Increased litter bin infrastructure may make it easier for people to avoid littering as bins are better positioned.  Increased litter reduction.	Additional litter bin infrastructure may not easily recognise accessibility needs for people – children or people with disability – to ensure the infrastructure is appropriate to the situation.
Community	Increased litter reduction.	Achieving significant reduction in single-use plastic consumption, waste and pollution relies on choices to use additional infrastructure.

<sup>39</sup> <https://www.reachingresults.com/wp/wp-content/uploads/2013/05/Littering-from-a-Behavioural-Science-Perspective.pdf>

		<p>Actions will tend to be ad hoc and isolated to individual businesses and councils.</p> <p>Does not address community expectations that government and packaging producers will take strong action.</p> <p>May still be a community cost in cleaning up litter and in the provision of additional litter bins.</p> <p>Places the responsibility for managing these items on local governments and businesses who choose to install bins without addressing the cause.</p>
<b>Business sector</b>		
Retail	<p>No additional regulatory costs or requirements placed on retailers.</p> <p>Businesses entering into a visible and credible pledge or commitment program may encourage customers to patronise these businesses.</p> <p>A uniform awareness program will take away reliance on individual messages and provide a more consistent approach.</p>	<p>Some local governments may require through development approvals or local laws that certain businesses provide additional litter bins.</p> <p>There are likely to be additional costs associated with installing more bins – and some landlords may have particular requirements around the ‘look’ of bin enclosures and signage that could add to the cost.</p>
Tourism	<p>No additional regulatory costs or requirements placed on tourism operators.</p> <p>Businesses in high tourist areas providing ‘green’ experiences may see an increase in bookings as more people look for opportunities to reduce single-use plastic – especially if a number of these tourists come from countries and states where single-use plastic items have already been banned.</p>	<p>May only have a marginal impact in helping to clean up litter if litter collection infrastructure is not well-placed.</p> <p>Placement of bins may be such that it doesn’t interfere with the surroundings – which may also impact on the usability and accessibility of the bin.</p> <p>Local governments may require certain tourism venues, operators and premises to install additional bins, which will be an additional cost to that business that those businesses not required to take action do not have.</p>

<p>Food service and hospitality</p>	<p>No additional regulation or cost as businesses can choose to provide single-use items or not.</p> <p>First movers who voluntarily substitute away from single-use plastics may receive a small market advantage if consumers' preferences move away from single-use plastics.</p> <p>Businesses entering into a visible and credible pledge or commitment program may encourage customers to patronise these businesses.</p>	<p>Does not provide a consistent approach and relies on early movers.</p> <p>Increased cost to businesses such as Quick Service Restaurants where additional bins are installed, due to installation and maintenance costs associated with the infrastructure (emptying bins, cleaning up potentially littered items around the bins and replacing broken or damaged bins).</p> <p>Benefits may not be clearly or immediately realised as changing littering behaviour is not solely dependent on the presence of bins.</p> <p>Local governments may require certain food service businesses to install additional bins, which will be an additional cost to that business that those businesses not required to take action do not have.</p>
<b>Government</b>		
<p>Queensland Government</p>	<p>No additional costs incurred around enforcement and compliance as local governments and businesses would be responsible for the installation of additional bins and intercept equipment</p>	<p>No certainty that there will be sufficient reduction in single-use plastics to achieve the government's objective.</p> <p>Does not meet community expectations that government will take strong action.</p>
<p>Local government</p>	<p>Local governments seen to be serious about preventing litter.</p>	<p>Individual councils will need to decide whether to install additional bins and stormwater intercept devices.</p> <p>Cost of installing, servicing and maintaining additional bins.</p> <p>Cost of education and awareness to the community.</p>

## 6.0 Consultation

The Queensland Government has commenced discussions on the feasibility of various options and has established a Stakeholder Advisory Group to assist in identifying key areas of concern for stakeholders, and provide advice on the options identified.

Peak bodies invited to participate in the Stakeholder Advisory Group are:

- Australian Food and Grocery Council
- Boomerang Alliance
- Chamber of Commerce and Industry (Queensland)
- Council on the Ageing (Queensland)
- Local Government Association of Queensland
- Master Grocers Association
- National Retail Association
- Queensland Disability Advisory Council
- Queensland Hotels Association
- Queensland Tourism Industry Council
- Restaurant and Catering Industry Association
- World Wildlife Fund

Consultation has also started within the Queensland Government including the following departments:

- Department of the Premier and Cabinet
- Queensland Treasury
- Queensland Health
- Department of Corrective Services
- Department of Education
- Department of Communities, Disability Services and Seniors
- Department of Employment, Small Business and Training
- Department of Innovation and Tourism Industry Development

## 7.0 Conclusion and recommended option

The recommended option is to introduce legislation, to ban the supply of single-use plastic straws, stirrers, plates and cutlery from 1 July 2021.

Through analysis of previous consultation as part of the introduction of the ban on the supply of single-use lightweight plastic shopping bags, the community indicated strong support for government action to reduce other single-use plastics such as straws, stirrers, plates and cutlery. A considerable amount of correspondence is also received by the department from members of the public and organisations such as Boomerang Alliance and World Wildlife Fund regarding further action to reduce plastic waste and pollution.

The Queensland Government has flagged the intent, through Tackling Plastic Waste – Queensland's Plastic Pollution Reduction Plan (the Plan), to introduce legislation in 2020, subject to a Regulatory Impact Statement to enable a ban on the supply of specific single-use plastic items, starting with straws (taking into account the needs of people with disability or healthcare needs), stirrers, plates and cutlery and, following further analysis, extend legislation to include coffee cups, other plastic cups and heavyweight plastic shopping bags.

Stage 1 of the ban, starting on 1 July 2021, is proposed to apply to the supply and distribution of single-use plastic straws, stirrers, plates and cutlery in Queensland.

The proposed legislation will not prescribe alternative products and will provide for exclusions for single-use items that are integral to the packaging of a product (e.g. a plastic straw attached to a juice box). Legislative precedent for exclusions has already been established in the provisions of the plastic shopping bag ban and container refund scheme.

The proposed legislation will recognise the permanent or temporary disability and healthcare needs of people by providing exemptions or other mechanisms to enable these products to remain available for those people who need them.

The proposed legislation will apply to businesses that are involved in the manufacture, import or wholesale distribution of the single-use items, or sale at a retailer level. It is not intended that the proposed legislation create offences against individuals using their own single use plastic items such as straws and measures will be implemented to ensure that the broader community is aware of the ban. Businesses will also be provided with sufficient information to help make informed decisions about alternatives and the questions that they need to ask of suppliers.

The proposed legislation will also ensure that health and safety standards are maintained by the inclusion of other necessary exemption in key sectors (e.g. hospitals and corrective services). The proposed legislation will provide offences for false and misleading information provided by a supplier or wholesaler about whether or not the item is a banned item.

The proposed legislation will include a review period for the ban two years after its commencement in order to assess the efficacy of the ban, community and business awareness and acceptance of the ban, and identify specific cost impacts to businesses and members of the community who still require a single-use plastic straw or utensils.

Given the level of community expectation around reducing the consumption of single-use plastic items, as well as the fact that a number of businesses have already made decisions to implement their own voluntary phase out arrangements for these and other single-use plastic items, a legislative approach supported by effective awareness initiatives is considered to be the most

effective way to address the problem of single-use plastic pollution outlined in this RIS. This will meet the government's objective to reduce plastic pollution from single-use plastic items by 20 per cent by 2023.

The Queensland Government acknowledges that there will be some social and economic impacts resulting from the introduction of the ban. These costs include:

- lost consumer benefit from plastic use
- potential increased costs for people who may need to procure and carry their own single-use plastic straws
- short term operational costs to businesses as they adjust to the proposed ban
- marginal cost increases to community organisations, households and businesses as a result of increased costs of alternatives
- moderate increased costs to the Queensland Government as a result of implementing the proposed ban, including costs of changing to alternatives and undertaking awareness and compliance action. There are also external costs of the alternatives to plastic.

Where possible, the proposed legislation will work in conjunction with complementary approaches including community-based initiatives such as Plastic Free Places and efforts of peak bodies such as the Queensland Tourism Industry Council, Queensland Hotels Association, National Retail Association, Master Grocers Association, Australian Food and Grocery Council, Local Government Association of Queensland, Boomerang Alliance and World Wildlife Fund. This will help reduce the need to rely on compliance activities by the state or local governments.

The option to ban single-use plastic items is similar to the approach being taken in South Australia and the ACT and responds to community expectations for stronger government action to reduce the use of single-use plastic items. Legislation also supports voluntary actions by businesses and local governments and complements national work currently underway to address plastic packaging broadly. Legislation provides a consistent approach across the state that applies equally to all businesses (with the exception of clearly articulated exemptions), and responds to business requests.

## 8.0 Consistency with fundamental legislative principles

This section assesses the consistency of the proposed regulation with the fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992* (LSA). These principles require regulation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The proposed regulation to ban the sale of certain plastic product restricts the activities available to consumers and businesses, which may impact the rights and liberties of individuals. The regulation is considered to be consistent with fundamental legislative principles as it serves to support the public interest by reducing plastic pollution and because substitutes are readily available for most users.

For some people with disability or healthcare needs, there may be no appropriate substitutes, particularly for straws. Thus, an exemption for these groups is included in the preferred option to remain consistent with preserving those individual's rights and liberties. Ongoing consultation and options analysis with the Queensland Disability Advisory Council and the aged care sector will ensure identification of appropriate and effective solutions for single-use plastics users with disability or healthcare needs.

Consistent with fundamental legislative principles, the administrative power to ban products is clearly defined and limited to specific, single-use plastic products to be defined in legislation. Expansion of the regulation to further products, such as coffee cups, will be subject to further analysis and review before implementation, as stated in Queensland's Plastic Pollution Reduction Plan.

## 9.0 Implementation, compliance support and evaluation strategy

Starting the ban on 1 July 2021 will give businesses and the community around 12 months to prepare. During this period, the Queensland Government will partner with peak bodies to deliver education and awareness messaging and lead by example in having Queensland Government sponsored events move to eliminate these items ahead of the ban commencing.

The Queensland Government will also continue to support the expansion of Plastic Free Places to other communities.

The success of the Queensland Government ban on single-use plastics bag has provided a strong framework for engagement and compliance that could be used as the model for the proposed ban on the supply of single-use plastic straws, stirrers, plates and cutlery.

Under this model, the Queensland Government will rely on peak bodies (such as National Retailers Association and the Australian Food and Grocery Council) to raise awareness of the ban as a proactive means to reduce enforcement activities.

This was a particularly effective strategy for the plastic shopping bag ban, with more than 14,000 retailers engaged over 18 months in the *It's in the Bag* campaign run through the National Retail Association (NRA). Any reports from the public through an 1800 number regarding potentially non-compliant individual retailers were investigated by the NRA, resulting in resolution of all reports (175) without the requirement for enforcement action by the State. The department will build upon this knowledge in the implementation of the single-use plastic items ban.

If State enforcement action was required, this would be undertaken through the Environmental Services and Regulation Division of the department. This may involve actions such as spot audits of businesses referred to the department for follow-up action to verify reports of non-compliance, and issuing on-the-spot fines if information is verified and potential escalation to investigation and court.

The proposed exemption for people with disabilities or healthcare needs who require plastic straws needs to be carefully implemented to equity considerations are appropriately incorporated. Conversely, the exemption shouldn't be so loosely defined that it undermines enforcement of the ban.

The ban legislation will be reviewed two years after its commencement in order to evaluate the efficacy of the ban in meeting the objectives of reducing single-use plastic use and litter reduction. Litter reductions will be measured through litter audits to establish a baseline and deliver trend data over time. It is also intended, through the relevant peak bodies, to survey businesses in relation to their purchasing habits to determine whether overall use of these single-use items (including paper or compostable replacements) has declined and what cost there is for alternatives.

Six monthly litter audits, commencing in March/April 2020, will be used to establish baseline information and trends over time to measure the efficacy of the ban and progress towards the 2023 objective of a 20 per cent reduction in the plastic pollution from these items.



## Attachment A: Measures in other countries

Global action		
France	2016	First county in the world to ban <b>plastic cups</b> and <b>plates</b> .  31 January 2020 ban on <b>plastic straws, coffee stirrers, cotton buds</b> takes effect.
Zimbabwe	July 2017	Announces a total ban on <b>expanded polystyrene</b> . 2018 began phase out of other single-use plastics items including shopping bags.
India	2018	Announces elimination of all <b>single-use plastic</b> by 2022.
European Union	March 2019	Parliament votes to ban the top 10 single-use plastics found on European beaches by 2021, including <b>cutlery and plates, cotton buds, straws, drink stirrers and balloon sticks</b> .
England	2019	From April 2020 total ban on <b>plastic straws and plastic drink stirrers</b> . Plastic cotton buds will be banned from sale to the public however medical and scientific laboratories may still purchase.
Canada	July 2019	Announces aim to ban single-use plastics including <b>straws, cutlery, plates and stirrers</b> by 2021.
China	January 2020	Announces phase out of the manufacture and sale of non-degradable plastic products. Includes: <ul style="list-style-type: none"> <li>• Prohibition on the manufacture of household chemicals containing plastic microbeads by end 2020; the sale of these products banned by 2022</li> <li>• Production and sale of <b>disposable foam plastic tableware and plastic cotton swabs</b> banned by end 2020</li> <li>• Use of non-degradable plastic bags in metropolitan areas banned by end 2020; other major Chinese cities and urban areas in coastal regions by end 2022</li> </ul>

## Attachment B Work in Australia

Other Australian states and territories		
South Australia	July 2019	<p>Announces ban on single-use plastic items including straws and cutlery:</p> <ul style="list-style-type: none"> <li>• An immediate phase out of single-use plastic straws, stirrers and cutlery.</li> <li>• Phase out after 12 months of takeaway expanded polystyrene cups and food containers, and oxo-degradable plastic.</li> <li>• Further consideration to be given to takeaway coffee cups, heavyweight plastic bags and other takeaway food service items.</li> </ul>
ACT	December 2019	<p>Announces:</p> <ul style="list-style-type: none"> <li>• Immediate phase out of single-use plastic cutlery, stirrers and expanded polystyrene takeaway food and beverage containers.</li> <li>• Phase out after 12 months for single-use fruit and vegetable barrier bags, oxo-degradable plastic products and single-use plastic straws.</li> <li>• Longer term consideration for plastic-lined single-use coffee cups and lids, single-use plastic dinnerware (plates, cups and bowls) cotton ear buds with plastic sticks and other single-use plastic products including heavyweight plastic bags.</li> </ul>

## Voluntary and local action

Hobart City Council	March 2019	Announces by-law banning single-use plastics in the Hobart City local government area by 2020. The ban applies to any business that provides or sells takeaway plastic food containers, straws, coffee cups and plastic lids
Queensland local governments	October 2018	LGAQ Annual Conference motion (proposed by Cairns Regional Council) asking LGAQ to support local governments to commit to phasing out plastic straws and other single-use plastics from council operations and events.

		Councils that have implemented this include: Cairns Regional Council, Brisbane City Council, Sunshine Coast Regional Council and Bundaberg Regional Council.
Retailers and food service		Retailers including Woolworths and Kmart/Target have already stopped selling plastic straws. Quick Service Restaurant brands such as McDonald's have made decisions to phase out single-use plastic items such as straws and stirrers by 2020. Most of the larger Quick Service Restaurants no longer use expanded polystyrene 'clamshell' food service containers.