



Western Australia

## **The Plastic Bag Eradication Bill 2017**

## **Explanatory Memorandum**

Plastic bags are directly responsible for widespread ecological damage and have a negative effect on wildlife all around the world. The production of plastic bags is reported to create millions of tonnes of carbon dioxide that is emitted into the atmosphere. As plastic bags are not biodegradable the damage caused to the environment by litter is immense. Subsequently, with up to one trillion plastic bags in circulation around the world the effects of litter have reached catastrophic proportions.

The 2017 Youth Environment Committee has tabled a Bill which will curtail and eventually eradicate the usage and production of plastic bags in Western Australia. Following bold precedents set by other states and internationally, the Ban the Bag Bill will raise awareness, regulate production and enforce a total ban on the distribution of plastic bags by Australian retailers to protect Western Australia's unique environment from the toxic effects of plastic bags.

Across Australia, jurisdictions have already been laying down strict measures to restrict the circulation of plastic bags. In 2009 South Australia led the nation with a ban on lightweight checkout bags whilst Queensland will ban single-use plastic bags from 2018 onwards. In these instances action against plastic bags is shown not only to be needed but feasible.

The Plastic Bag Eradication Bill 2017 will be effective in reducing the usage of plastic bags by rolling out a state-wide awareness campaign that warns consumers of the dangers of plastic bags and the effects they have on the environment. The Bill will also mandate that supermarkets must provide and display environmentally sustainable alternatives to plastic bags at all checkouts so consumers can act on their newfound concerns about plastic bags.

The Plastic Bag Eradication Bill 2017 will comprehensively address the issue of plastic bags and enable the total eradication of plastic bags in Western Australia, protecting the interests of the environment and society.



Western Australia

## The Plastic Bag Eradication Bill 2017

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Western Australia

**A Bill for —**

**An Act to inform the public of the environmental dangers associated with the use of plastic bags and to remove them from circulation in supermarkets, in addition to other related matters.**

**Part 1 — Preliminary**

**1. Short title**

This Bill may be cited as the *Ban the Bag Bill 2017*.

**2. Commencement**

This Bill commences on the day on which this Act receives Royal Assent.

### 3. Interpretation

In this Bill, unless the contrary appears —

**“Big Business”** refers to a Western Australian business which meets at least two of the following characteristics –

- (1) An annual revenue over \$20 million; and/or
- (2) Over 50 employees at the end of the financial year; and/or
- (3) Consolidated gross assets of over \$12.5 million at the end of the financial year.

**“Consumer”** refers to the Western Australian general public who are likely to use plastic bags or environmentally friendly alternatives.

**“Environmentally Friendly Alternatives”** means alternatives to plastic bags which do not have adverse effects on the environment. These include but are not limited to reusable bags made of biodegradable nylon, cotton, canvas or leather.

**“Price ceiling”** refers to the maximum price that can be charged for environmentally friendly alternatives to plastic bags. In the context of the price ceiling on environmentally friendly alternatives this means that environmentally alternatives must be charged at a rate less than plastic bags, or that they are free altogether.

**“Price floor”** refers to the minimum price which will be placed on plastic bags. Under Part 3 of the Bill, the price floor on plastic bags will be 15 cents.

**“Small Business”** refers to a Western Australian business which meets at least two of the following characteristics –

- (1) An annual revenue less than \$20 million; and/or
- (2) Fewer than 50 employees at the end of the financial year; and/or
- (3) Consolidated gross assets of less than \$12.5 million at the end of the financial year.

**“Supermarket”** means a large self-service shop selling foods and/or household goods.

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**“Violation Fee”** refers to the 5% fine on annual revenue charged to non-small businesses which are found to be distributing plastic bags after the 12 month buffer period has ended.

**“Warnings”** refer to audio, text or visual materials which raise awareness about the environmental damage of plastic bags. These can be in the form of posters, facts, images and/or statistics which will be displayed on plastic bags and in supermarkets.

## **Part 2 — Warnings**

### **4. Placement and Broadcasting of Warnings**

- (1) Printed warnings about the dangers of plastic bags will be displayed in areas where they are frequently distributed. These places can include but are not limited to:
  - (a) Supermarket checkouts;
  - (b) Supermarket entrances; and
  - (c) Supermarket exits.
- (2) Visual warnings in the form of television advertisements will be produced and aired.
- (3) Audio warnings in the form of radio segments will be produced and aired
- (4) The production and distribution of warnings will be administered by the Department of Environment.

### **5. Content of Warnings**

Warnings will outline and/or display the environmental effects of plastic bag usage. Warnings may contain —

- (a) Impactful images or videos of native wildlife harmed by the usage of plastic bags;
- (b) Facts about the damage on wildlife and conservation caused by plastic bags annually;
- (c) Facts about the number of species which are harmed by plastic bags; and/or
- (d) Statistics on how a reduction in plastic bag usage can benefit the environment.

**6.        Mandated Warning on Plastic Bags**

All plastic bags in supermarkets will be required to have the following statement clearly printed on them:

“Caution: This Product Significantly Harms our Environment. It will not be Available from 2023.”



## **Part 3 — Regulating Prices, Recycling and Alternatives to Plastic Bags**

### **7. Minimum Price on Plastic Bags**

Plastic bags that are not environmentally friendly must not be provided by supermarkets for free. There will be a minimum price which will be 15 cents.

### **8. Regulations on Environmentally Friendly Alternatives**

Regulations regarding environmentally friendly alternatives to plastic bags must be adhered to by all supermarkets. These regulations include:

- (a) The provision of environmentally friendly alternatives at all supermarkets;
- (b) The sale of environmentally friendly alternatives at a price lower than that of plastic bags, or no price at all, pursuant to clause 10;
- (c) The display of environmentally friendly alternatives clearly beside or near plastic bags; and
- (d) The clear communication to consumers that environmentally friendly alternatives are cheaper than plastic bags.

### **9. Recycling bins**

Recycling bins must be provided which are clearly displayed and accessible to customers. The recycling bins for plastic bag disposal must be placed:

- (a) Around shopping centre checkouts; and
- (b) At car parks located outside of shopping centres.

### **10. Mandated Alternatives for Consumers**

At least one option of an environmentally friendly bag will be available at a cheaper price than a plastic bag.

## **Part 4 — Enforcement of the Ban**

### **11. Penalties**

Penalties will apply to retailers who either sell or give away the banned plastic bags to customers to carry their goods from the retail outlet, starting from January 1st 2023. The penalties will be as follows –

- (a) A fee of 5%, according to annual revenue, will apply for big businesses selling any type of plastic bag that is not environmentally friendly;
- (b) A fee of 2%, according to annual revenue, will apply for small businesses selling plastic bags; and
- (c) This fee will be doubled after the buffer period outlined in clause 12.

### **12. Buffer period**

A buffer period will take place from the 1st of January 2023 until the 1st of January 2024. After this period penalties for offending retailers will increase according to clause 11.