

Submission: Implementing a lightweight single-use plastic bag ban in Western Australia DWER Discussion Paper



February 2018

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australian Local Governments. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

This Submission was considered and endorsed by the Municipal Waste Advisory Council on Wednesday 28 February 2018.

Executive Summary

The Association welcomes the opportunity to comment on the proposed lightweight single-use plastic bag ban for Western Australia. The growing evidence and awareness of the impact this disposable product has on the environment has driven community calls for action, with major retailers such as Coles, Woolworths and IGA committing to phase out single-use plastic bags from their stores by 1 July 2018. Government intervention is still required, to limit the supply of plastic bags from other retailers.

Feedback provided to the Association by Local Government indicates that there is widespread support across the sector for a ban on lightweight single-use plastic bags. The Association supports the proposed scope of the ban as it aligns with the approach taken by other jurisdictions to restrict the sale or supply of lightweight plastic bags with handles and a thickness of 35 microns or less. The Association considers the scope of the retailer ban should be expanded to include biodegradable, degradable and compostable bags, due to the impact of these products on the environment. Not all Local Governments support the expansion of the ban to compostable bags.

A beneficial outcome of other bans, has been a recognition that the provision of 'free' plastic bags comes at a cost to the wider community through the price of other goods. There has also been a recognition of the costs associated with responding to the impact of plastic bags on the environment, and community infrastructure such as drains and waste processing infrastructure. By banning the supply of lightweight plastic bags, consumers are encouraged to find other ways to transport goods and manage waste generated in the home. A ban also provides retailers with an opportunity to reduce the expense of providing bags to consumers at no cost, and potentially generate revenue by charging for alternative bags.

1.0 Introduction

Local Government has been engaged in an active discussion on the impact of plastic bags for a number of years. Local Governments have approached the consumption of plastic bags in various ways, such as working with local retailers to introduce voluntary bans or attempting to progress Local Laws. In October 2016, WALGA wrote to all Local Governments requesting feedback on a Discussion Paper on Plastic Bags. Feedback indicated that plastic pollution was an issue for the majority of

responding Local Governments and that a range of activities were underway to reduce the impact of this pollution on the environment. Feedback from Local Government indicated that there was widespread support for a ban on single-use plastic bags, with a number of Local Governments considering introducing Local Laws. As a consequence, in July 2017, WALGA's State Council resolved to:

1. Advocate for a state wide ban for single use plastic bags.
2. Support members seeking to implement a Local Law to ban single use plastic bags.
3. Strongly advocate that all products be biodegradable and request WALGA to refer this issue back to the State Government for the preparation of appropriate legislation.
4. Any state wide ban to be supported by community education, environmental alternatives and an equitable transition period.

On 12 September 2017, the McGowan Labor Government announced its intention to implement a ban on lightweight single-use plastic bags from 1 July 2018¹. A Discussion Paper outlining the Government's preferred approach was released in December 2017. The Discussion Paper clearly articulates the scale of the environmental problems presented by plastic bags, and explores both local and international responses to this issue. Across Australia, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory have already moved to ban lightweight plastic bags. Western Australia now joins both Queensland and Victoria in actively considering how to reduce the impact of plastic bags on the environment. The Discussion Paper also provides information on how retailers and consumers can begin preparing for the ban. It is worth noting that major retailers such as Coles, Woolworths and IGA have already committed to phasing out lightweight single-use plastic bags from their stores by 1 July 2018.

2.0 Responses to Questions in the Discussion Paper

The Discussion Paper presents a number of questions to Local Government, the community and retailers. This Submission focuses on the questions that are relevant to Local Government.

2.1 Is the ban of lightweight single-use plastic bags supported?

Recommendation: That the State Government implements a ban on single-use plastic bags.

There is widespread support in Local Government for a state wide ban on single-use plastic bags.

2.2 Should biodegradable, degradable and compostable bags be included in the bag ban?

Recommendation: Biodegradable, degradable and compostable bags should be included in the lightweight single-use plastic bag ban.

Recommendation: The Department should aim to maintain consistent definitions and terminology with other jurisdictions.

Following the July 2017 WALGA State Council resolution, there has been ongoing discussion in the Local Government sector on the impact that biodegradable, degradable and compostable bags have on the environment. The Association supports an expansion of the retailer ban's scope to include biodegradable, degradable and compostable bags, due to the impact of these products on the environment. As stated in the DWER Discussion Paper, there is community support for this initiative, with 85 per cent of those Western Australians surveyed by the Boomerang Alliance supporting this approach. There are also benefits in aligning with the Queensland ban.

Other Australian jurisdictions that have implemented bans have permitted the continued use of biodegradable bags that meet the relevant Australian Standard. While compostable and

¹ Government of Western Australia (2017). *McGowan Government gives green light to bag ban*. Available online. <https://www.mediastatements.wa.gov.au/Pages/McGowan/2017/09/McGowan-Government-gives-green-light-to-bag-ban.aspx>.

biodegradable bags are not a concern in commercial composting and alternative waste treatment facilities, research indicates that compostable and biodegradable bags will still act in a similar manner to other plastic bags when released into the environment or ingested by wildlife. Degradable bags are designed to break down into microplastics, which are a source of plastic pollution. Biodegradable and compostable bags also contaminate existing recycling systems. The Association does not consider that it is appropriate to substitute those lightweight single-use plastic bags provided by retailers with biodegradable, degradable and compostable bags. The ban should promote waste avoidance and reduction, as opposed to product substitution. This position is not supported by the entire sector, as one Regional Council has indicated a preference for compostable bags not to be included in the ban. The rationale for this is that if these bags are used as bin liners they will not contaminate the areas' Food Organics and Garden Organics services, as would occur with a situation where thicker plastic bags are provided by retailers and used as bin liners.

In designing and communicating the Western Australian ban, it is vital that clear and consistent definitions are assigned to key terms such as biodegradable, compostable and degradable. These terms are frequently used interchangeably – causing in a great deal of confusion in the community. A comparison of the definitions used by Australian jurisdictions currently considering bans shows there are differences in how this issue has been approached. To maintain a consistent response, there must be alignment of the definitions used in various legislative frameworks.

Table 1: Definitions of biodegradable, compostable and degradable.

	Western Australia ²	Queensland ³	Victoria ⁴
Biodegradable bag	Capable of being decomposed by bacteria or other living organisms in a suitable environment.	A bag made from natural material such as corn-starch (rather than petrochemical HDPE or LDPE plastic) which breaks down into organic material and water in the environment. This includes compostable bags. Biodegradable bags are different from (but are commonly confused with) bags made of degradable material.	Made from natural material (such as corn-starch) which breaks down into organic material and water over time.
Compostable bag	Able to be composted in a suitable environment. A substance that is compostable can be added to other biodegradable materials and will breakdown into compost.	A type of biodegradable bag made of material that has been assessed as compostable in a commercial composting environment in accordance with Australian Standard 'AS 4736—2006 Biodegradable plastics – Biodegradable plastics suitable for composting and other microbial treatment'.	A subset of biodegradable plastic, made from material assessed to be compostable in a commercial composting environment in accordance with Australian Standards.
Degradable bag	Breaks down or degrades. Degradable plastic bags break down into smaller plastic fragments.	Petrochemical-based plastic bags designed to break up into fragments when triggered by light (oxodegradable) or water (hydro-degradable). These are different from biodegradable or compostable bags made from natural materials.	A plastic bag that can be broken down by chemical or biological processes.

It is also important that there is alignment with other jurisdictions in the definitions that are used to describe what retailers the ban will apply to. The DWER Discussion Paper proposes that a retailer is “defined as any person or business that sells goods in trade or commerce. This definition will apply to people or businesses including, but not limited to, supermarkets, corner stores, takeaway food outlets and restaurants, sports stores, department stores, hardware stores, appliance stores,

² WA DWER (2017). *Implementing a lightweight single-use plastic bag ban in Western Australia Discussion Paper*. Available online. <https://www.der.wa.gov.au/our-work/consultation/467-discussion-paper-plastic-bag-ban>.

³ QLD Department of Environment and Heritage Protection (2017). *Implementing a lightweight plastic shopping bag ban in Queensland Discussion Paper*. Available online. <https://www.ehp.qld.gov.au/waste/pdf/plastic-bag-discussion-paper.pdf>.

⁴ VIC Department of Environment, Land, Water and Planning (2018). *Reducing the impacts of plastics on the Victorian environment*. Available online. https://engage.vic.gov.au/application/files/3215/0827/4648/FINAL_as_at_17102017_-_Reducing_the_impacts_of_plastics_on_the_Victorian_environment_-_join_the_discussion.pdf.

butchers, bakeries, and market vendors.” However, 99C of the Queensland Waste Reduction and Recycling Amendment Act 2011 defines a retailer as “*a person who sells goods in trade or commerce*”. Consideration should be given to the merits of adopting a simple, wide-reaching definition, on the grounds that this creates less room for retailers not specifically mentioned to challenge the application of the ban.

2.3 Can you quantify the costs that will be avoided when the amount of lightweight plastic bags entering the waste stream is reduced and there is less contamination by lightweight plastic bags in recyclables? Are the savings likely to be passed onto ratepayers?

It is possible that Local Government may achieve some cost savings through a reduction in litter collection services, pollution trap servicing and contamination at recycling and alternative waste treatment facilities. It is difficult to identify collective Local Government cost savings resulting from the ban, as costs of managing plastic bag impacts are not always differentiated from the impacts of managing other products. At this stage, it is not clear how the waste stream will change as a result of the ban. If consumers simply switch to using alternative heavyweight plastic bags, the costs of managing waste could increase as more plastic would be entering the waste stream.

While these reasons make it difficult to quantify direct cost savings, it should be noted that Local Governments do not operate as profit making enterprises, with rates and charges reflecting the cost of providing services. It should also be noted that many factors influence the cost of providing services. For example, in situations where waste processing services are contracted out, any immediate savings to ratepayers may be limited due to the long term nature of many contracts and variability in markets.

Feedback from one of MWAC’s member Councils provides more context regarding the costs that plastic bags cause and where potential cost savings could be made if the number of bags being processed is reduced. The Southern Metropolitan Regional Council (SMRC) is one of five regional councils in the Perth metropolitan area, servicing 110,000 households with a combined population of over 288,000 people. The SMRC operates the Regional Resource Recovery Centre (RRRC) in Canning Vale, processing recyclables, general waste and food and garden waste collected from household bins and verge collections. Plastic bags currently contaminate both the recyclable and compostable waste streams. The SMRC anticipates that the ban will result in a range of savings, such as:

- Lower processing costs
- Lower maintenance and down time costs (bags tend to wrap around screen shafts, conveyors and block trommel screens)
- Lower landfill costs.

The ban will also deliver benefits in the form of higher quality products that can potentially be sold at a higher price. For example, less contamination of paper with plastic bags. The SMRC considers the ban could also result in an improved recycling recovery rate, with less residents putting recyclables in plastic bags. Currently, recyclables tied up in plastic bags are sent to landfill as contamination.

The SMRC estimate that for their region the ban could potentially achieve savings of between \$200k and \$350k per annum. This represents a cost saving of \$3 to \$5 per household in the region. These savings would be passed on to households through lower MRF gate fees.

2.4 Can you foresee any unintended consequences arising as a result of the proposed compliance and enforcement regime?

The Discussion Paper does not provide the details on the regulatory regime or the penalties that will underpin this ban. Local Government supports the approach proposed in the DWER Discussion Paper, where the Department is responsible for administering the new regulations and enforcing the provisions of the ban. As large retailers have already committed to phasing out lightweight single-use

plastic bags, the main regulatory challenge relates to small retailers. A simple solution would be to establish and promote a system where the community can report suspected non-compliance. The Department would then be able to investigate, and issue fines to, retailers that have given away or sold lightweight single-use plastic bags.

The Association considers that a review mechanism must be imbedded into the legislative framework of the ban, so that its effectiveness can be measured. In assessing the effectiveness of the ban, performance data must be collected before and after it has been implemented. Table 2 contains suggestions on ways to measure the effectiveness of the ban, with regard to the additional aim suggested in Section 5 of this Submission. In the event that the aim of the ban is not achieved, the Government will need to have mechanisms already in place that can be used to address any unintended consequences (further discussed in Section 5).

Table 2: Suggested measures of effectiveness.

Aim of the Ban	Measure of effectiveness
Reduce the number of lightweight plastic bags that are littered, and the associated environmental impacts of this source of plastic pollution	Litter audits
Waste avoidance and reduction	Audits of household waste, organics, and recycling streams. Audits of retailers to determine what type of bags are used.

3.0 Community Education Campaign

Feedback from Local Government indicates a ban would need to be supported by an effective and comprehensive community education campaign. The Association understands that it is the Government’s intention to engage both the community and retailers in preparation for the ban. Further information is requested on what approaches will be used to prepare the community and retailers for the coming change. While it is important to raise community awareness of the coming ban, alternative solutions to bin liners and shopping bags should be promoted to mitigate unintended consequences such as an increase in bin liner use or a move by retailers to supply heavyweight plastic bags. Consideration should be given to the messaging that is provided on compostable and biodegradable bags, as a number of Local Governments have, or are moving towards, Food Organic and Garden Organic systems.

Other jurisdictions such as Queensland and South Australia have developed and implemented comprehensive information campaigns. In Queensland, the Government partnered with the National Retail Association (NRA) to develop a dedicated website that provides information on the ban, retailer obligations, alternative bags, and resources that can be used to manage customer interactions⁵. In the lead up to the ban, the NRA will be also hosting workshops for retailers at 150 locations across the state.

4.0 Addressing Unintended Consequences

Recommendation: That the aim of the ban be expanded to include waste avoidance and reduction.

Currently, the aim of the ban is to “*reduce the number of lightweight plastic bags that are littered, and the associated environmental impacts of this source of plastic pollution*”⁶. This should be amended to include a focus on waste avoidance / reduction. The Government is uniquely placed to inform retailers

⁵ QLD Bag Ban (2018). Available online. <http://www.qldbaggban.com.au/>.

⁶ WA DWER (2017). *Implementing a lightweight single-use plastic bag ban in Western Australia Discussion Paper*. Available online. <https://www.der.wa.gov.au/our-work/consultation/467-discussion-paper-plastic-bag-ban>.

that it will monitor their response to the ban, and will take additional action if there is a shift to alternative bags that pose unacceptable environmental impacts.

It is important that the lessons learnt from the implementation of other bans are considered. In other jurisdictions, there has been an increase in the amount of bin liners purchased by householders. The 2014 Review of the ACT ban found that the initial increase in bin liner purchase had decreased to pre-ban levels, with the ban successfully reducing the quantity of plastic bags going to landfill by around 36%, with respect to single-use plastic bags, reusable plastic bags, bin liners and reusable woven bags⁷. The 2012 Review of the South Australian ban noted that 15% of consumers were purchasing bin liners in the pre-ban period, compared with 80% post-ban. It is not clear how usage of bin liners has tracked in more recent years⁸.

Another issue in other jurisdictions, relates to the provision of plastic bags (by retailers), that are thicker than 35 microns. The Association understands that activity is underway in a number of Australian jurisdictions to address this issue on a voluntary basis and requests further information on how/if this approach will be pursued in Western Australia.

A voluntary approach is one way to address the issue, however the Association considers that other options should also be pursued. In establishing the legislative framework for the ban, a mechanism could be included that allows either a retailer charge or a State levy to be placed on alternative bags. This mechanism could then be used to combat any unintended consequences of a ban, such as a shift by retailers to heavyweight plastic bags. The Government should also consider mechanisms which allow the micron thickness of the banned bags to be increased.

The concept of introducing either a mandatory retailer charge or a government levy on plastic bags was explored through the 2008 Decision Regulatory Impact Statement process⁹. Through this process a mandatory retailer charge on plastic bags was considered to be the best available option. The Association supports the introduction of a State collected levy, as this approach has been found to decrease consumption of plastic bags, and presents less of a cost to the community than a retailer charge.

In suggesting this approach, the Association acknowledges that a number of issues would need to be addressed – such as the ability of the State to administer such an initiative, and the type of activities that levied funds could be used for. The effectiveness of a levy would need to be monitored, and potentially increased if consumption of alternative bags escalates, as occurred with Ireland's plastic bag levy¹⁰.

5.0 Conclusion

The Association supports the Government's decision to implement a statewide ban on the sale or supply of lightweight single-use plastic bags and agrees that the scope of the retailer ban should be expanded to include biodegradable, degradable and compostable bags. It is anticipated that the ban will reduce litter in the marine and terrestrial environment, reduce plastic bag contamination at waste processing facilities and engage the community in a discussion on waste avoidance.

Currently, the aim of the ban is to reduce plastic bag litter and the environmental impacts of this form of pollution. Consideration should be given to broadening the aim to also focus on waste avoidance and reduction. In drafting the regulations for the ban, a mechanism is needed that allows the State to proactively mitigate and respond to any unintended consequences of a ban, such as a shift by retailers towards supplying heavyweight plastic bags.

⁷ ACT Government Environment, Planning and Sustainable Development Directorate (2014). Reviews and community survey results. Available online. <https://www.environment.act.gov.au/waste/plastic-bag-ban/reviews-and-community-survey-results>

⁸ ZeroWasteSA (2009). Review of the Plastic Shopping Bags (Waste Avoidance) Act 2008. Available online. <http://www.zerowaste.sa.gov.au/resource-centre/publications/plastic-bag-phase-out>.

⁹ Environment Protection and Heritage Council (2008). *Decision Regulatory Impact Statement Investigation of options to reduce the impacts of plastic bags*. Available online. www.nepc.gov.au.

¹⁰ WA DWER (2017). *Implementing a lightweight single-use plastic bag ban in Western Australia Discussion Paper*. Available online. <https://www.der.wa.gov.au/our-work/consultation/467-discussion-paper-plastic-bag-ban>.