

**Environmental Protection Amendment
(Banning Plastic Bags and Other Things)
Bill 2017**

Contents

| | | |
|----|--|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |
| 3. | Act amended | 2 |
| 4. | Part V Division 2A inserted | 2 |
| | Division 2A — Restricted plastics and other things | |
| | Subdivision 1 — Preliminary | |
| | 51U. Terms used | 2 |
| | Subdivision 2 — Offences | |
| | 51V. Obligations on retailers | 4 |
| | 51W. Sale or supply of prohibited plastic bags | 5 |
| | 51X. Sale or supply of goods in restricted packaging | 5 |
| | 51Y. Sale or supply of goods containing prohibited plastic microbeads | 5 |
| | 51ZA. Sale or supply of prohibited balloons | 5 |
| | 51ZB. Sale or supply of prohibited plastic drinking straws | 5 |
| | 51ZC. Person must not misrepresent composition of bags and packaging | 5 |
| | Subdivision 3 — Reporting the review | |
| | 51ZD. Reporting requirements | 6 |
| | 51ZE. Review of Division | 6 |
| 5. | Schedule 1 amended | 7 |

Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon Mr Robin Chapple, MLC)

**Environmental Protection Amendment
(Banning Plastic Bags and Other Things)
Bill 2017**

A Bill for

An Act to amend the *Environmental Protection Act 1986* to —

- **restrict the supply of plastic bags, balloons, plastic drinking straws and polyethylene and polystyrene packaging; and**
- **prohibit the supply of products containing plastic microbeads, and for incidental and related purposes.**

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Environmental Protection Amendment (Banning*
3 *Plastic Bags and Other Things) Act 2017.*

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
- 8 (b) the rest of the Act — on the 60th day after that day.

9 **3. Act amended**

10 This Act amends the *Environmental Protection Act 1986.*

11 **4. Part V Division 2A inserted**

12 After section 51T insert:
13

14 **Division 2A — Restricted plastics and other things**

15 **Subdivision 1 — Preliminary**

16 **51U. Terms used**

17 In this Division —

18 *exempt balloon* means a balloon that is in a class of
19 balloon declared by an order made by the Minister
20 under section 6(1) to be a class of balloon to which this
21 Division does not apply;

22 *exempt plastic bag* means a plastic bag that is in a class
23 of plastic bag declared by an order made by the
24 Minister under section 6(1) to be a class of plastic bag
25 to which this Division does not apply;

26 *exempt plastic drinking straw* means a plastic drinking
27 straw that is in a class of plastic drinking straw

1 declared by an order made by the Minister under
2 section 6(1) to be a class of plastic drinking straw to
3 which this Division does not apply;

4 ***plastic bag*** means a bag that is made in whole or in
5 part of polyethylene;

6 ***prohibited balloon*** means a balloon that is not any of
7 the following —

- 8 (a) a balloon that is manufactured, supplied and
9 used for medical or health related purposes;
- 10 (b) a balloon that is manufactured, supplied and
11 used for policing or security purposes;
- 12 (c) a balloon that is manufactured, supplied and
13 used for meteorological purposes;
- 14 (d) a hot air balloon used for the purpose of
15 carrying passengers;
- 16 (e) an exempt balloon;

17 ***prohibited plastic bag*** means a plastic bag that is not
18 any of the following —

- 19 (a) a plastic bag that is manufactured, supplied and
20 used for medical or health related purposes;
- 21 (b) a plastic bag that is manufactured, supplied and
22 used for policing or security purposes;
- 23 (c) a plastic bag that is made wholly from
24 biodegradable material that is suitable for
25 composting;
- 26 (d) an exempt plastic bag;

27 ***prohibited plastic drinking straw*** means a plastic
28 drinking straw that is not any of the following —

- 29 (a) a plastic drinking straw that is manufactured,
30 supplied and used for medical or health related
31 purposes;

s. 4

- 1 (b) a plastic drinking straw that is manufactured,
2 supplied and used for policing or security
3 purposes;
- 4 (c) an exempt plastic drinking straw;
- 5 ***prohibited plastic microbead*** means a manufactured
6 plastic particle of less than 5 mm in its largest
7 dimension that is contained in, or added to, cosmetics,
8 personal hygiene products (including toothpaste) or
9 household detergents;
- 10 ***prohibition day*** means the day that is 6 months after
11 the day on which the *Environmental Protection*
12 *Amendment (Banning Plastic Bags and Other Things)*
13 *Act 2017* section 4 comes into operation;
- 14 ***restricted packaging*** means packaging that is made in
15 whole or in part of polyethylene or polystyrene, but
16 does not include packaging that is made in whole from
17 biodegradable material that is suitable for composting.

18 **Subdivision 2 — Offences**

19 **51V. Obligations on retailers**

- 20 (1) A retailer must display a notice on the premises of the
21 retailer specifying that —
- 22 (a) the sale or supply of plastic bags by the retailer
23 will be regulated under this Act from
24 prohibition day; and
- 25 (b) the sale, supply or provision of goods in
26 restricted packaging by the retailer will be
27 prohibited under this Act from prohibition day.
- 28 (2) A notice referred to in subsection (1) must contain any
29 information prescribed by the regulations.
- 30 (3) A retailer who fails to display a notice as required by
31 subsection (1) commits an offence.

- 1 **51W. Sale or supply of prohibited plastic bags**
- 2 A person who, on or after prohibition day, sells or
- 3 supplies a prohibited plastic bag commits an offence.
- 4 **51X. Sale or supply of goods in restricted packaging**
- 5 A person who, on or after prohibition day, sells or
- 6 supplies goods that are sealed, wrapped or otherwise
- 7 contained in restricted packaging commits an offence.
- 8 **51Y. Sale or supply of goods containing prohibited**
- 9 **plastic microbeads**
- 10 A retailer who, on or after prohibition day, sells or
- 11 supplies cosmetics, personal hygiene products
- 12 (including toothpaste) or household detergents that
- 13 contain a prohibited plastic microbead commits an
- 14 offence.
- 15 **51ZA. Sale or supply of prohibited balloons**
- 16 A person who, on or after prohibition day, sells or
- 17 supplies a prohibited balloon commits an offence.
- 18 **51ZB. Sale or supply of prohibited plastic drinking straws**
- 19 A person who, on or after prohibition day, sells or
- 20 supplies a prohibited plastic drinking straw commits an
- 21 offence.
- 22 **51ZC. Person must not misrepresent composition of bags**
- 23 **and packaging**
- 24 A person who manufactures, imports or supplies
- 25 shopping bags or packaging for goods commits an
- 26 offence if, in connection with the manufacture, import
- 27 or supply, the person provides information relating to
- 28 the composition of the bags or packaging that the
- 29 person knows, or ought reasonably to know, is false or
- 30 misleading in a material particular.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Subdivision 3 — Reporting the review

51ZD. Reporting requirements

The Authority must include in the annual report prepared under section 21 details of the following matters —

- (a) the exemptions granted under section 6(1) in relation to plastic bags, balloons and plastic drinking straws;
- (b) the amount of plastic reported in public places and waters and the impact of the plastic on fauna;
- (c) any information relating to the use of plastic bags, plastic packaging, balloons, plastic drinking straws and plastic microbeads that the Authority considers necessary.

51ZE. Review of Division

- (1) The Minister must carry out a review of the operation and effectiveness of this Division as soon as is practicable after the expiry of 3 years from the day on which the *Environmental Protection Amendment (Banning Plastic Bags and Other Things) Act 2017* section 4 comes into operation.
- (2) The Minister must cause a report based on the review to be prepared and laid before each House of Parliament as soon as practicable after the review is complete.

1 **5. Schedule 1 amended**

2 In Schedule 1 Part 3 in the Table before item 1 insert:

3

| | | | |
|----|--------|---------|-----|
| 1A | 51V(3) | \$5 000 | Nil |
| 1B | 51W | \$5 000 | Nil |
| 1C | 51X | \$5 000 | Nil |
| 1D | 51Y | \$5 000 | Nil |
| 1E | 51ZA | \$5 000 | Nil |
| 1F | 51ZB | \$5 000 | Nil |
| 1G | 51ZC | \$5 000 | Nil |

4

5
