

**PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL 2010**

*Second Reading*

Resumed from 24 June 2010.

**HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary)** [10.10 am]: I rise because back in June 2010, when this debate was last held in this house, I was the Minister for Environment, and I had just started my introductory remarks. A lot has passed, obviously, since that time.

**Hon Liz Behjat** interjected.

**Hon DONNA FARAGHER**: Clare is doing well; she is now 16 months old, but that is talk for another day.

**Hon Peter Collier**: She's beautiful.

**Hon DONNA FARAGHER**: She is a lovely little girl but, again, we will move on.

I will say at the outset, albeit I am no longer the minister and I know Minister Morton will make a few remarks on the government position, that I find it somewhat interesting that it has taken so long for this bill to come before us for debate. I say that, I suppose, because Hon Sally Talbot is often quoted in the press about this issue. It is an important issue in terms of waste that we should be discussing. Unfortunately, though, she often refers to the fact that somehow the government has been delaying the bill. But as we all know, as a general rule on Thursdays when Parliament sits, the Labor Party has an opportunity to raise non-government business. The member has had nearly two years to raise this again, so I question the importance she places upon it.

Having said that, last night I went over the introductory remarks I had made. I said at the time, and I think all of us around this chamber would agree, that plastic bags, thick or thin, large or small, can impact on our environment and are unsightly. I do not think we would get any disagreement on that. I recall at the time that I was beginning to outline some of the estimates with respect to the amount of plastic bag litter and the fact that it varies across Australia to somewhere between less than one per cent to two per cent of the litter stream. It was for that reason the government felt it was important to not look at plastic bags in isolation of other litter. Although I am no longer the minister, I know that position remains. Indeed, it is fair to say that cigarette butt litter remains the biggest offender and there are, of course, many other forms of litter that we must continue to tackle. As I said at the beginning of my remarks, we would all agree that measures to reduce plastic bag use should be encouraged. We know, for example, that we cannot get a bag at Target unless we pay a fee, Bunnings will provide a box if we ask for one and, of course, the use of many different types of alternative green bags is on the increase, and that is a very good thing.

That brings me back to the bill. It appears to be a simple bill, which is based on the South Australian legislation. However, its practical effect, if it were implemented would not be quite that simple. Before I go through that I want to raise one point raised by Hon Sally Talbot in her second reading speech—I think this is important for the parliamentary record—when she said that Victoria had banned plastic bags. I understand that is not the case. Since 2006, Victoria has been able to provide head of power to enable regulations that would require retailers to implement a mandatory charge. I understand that has not occurred and it extends back to the previous Labor government. It is true that the then Labor government had undertaken a four-week trial of a 10c charge on plastic bags, but it has gone no further than that. I think that should be on the parliamentary record.

A ban versus a levy has been the subject of some significant debate over a number of years at the Environment Protection and Heritage Council—I think the name has since changed. The member said in her second reading speech that there was a supposed failure—I am reading from the speech—at a 2010 EPHC meeting on this issue. I respectfully suggest to the member that she needs to cast her memory back to 2008 when she was parliamentary secretary to the Minister for Environment. Back then the EPHC released a regulatory impact statement, which I will refer to in a moment, on options to reduce the impact of plastic bags. It was in that same year, when I was not the minister at the time—the then Labor Minister David Templeman was—that a recommendation was put to the ministerial council to implement a nationwide mandatory charge for plastic bags. However, the council did not decide on a preferred regulatory option; rather, it decided to pursue voluntary measures and to undertake research into biodegradable plastic bags.

The then Carpenter Labor government, of which this member was a member, was party to that decision; and that is the simple fact of the matter. Notwithstanding that, and that decision made by that ministerial council, the 2008 regulatory impact statement makes some interesting points, and I think it is important when looking at this bill to reflect on some of the matters raised through that process. First, if we consider the notion of a ban, whilst at first glance people would probably think that means a ban on all types of plastic bags, that would just not be the case. Indeed, this bill includes only bags of a thickness less than 35 microns and provides for a range of exemptions. On page 28 under option 4 “Ban On Plastic Bags”, the RIS reads —

Under this option, the supply of plastic bags at the point of sale would be prohibited. Although this option has been modelled to provide elimination of bags, a 100% reduction would not be achieved in practice due to the need for exemptions on health and safety grounds. It is likely that exemptions would be defined in regulations if a legislative option for a ban were pursued. Possible exemptions could include plastic bags that are used for:

- containing raw produce, including fruit, nuts and vegetables
- packaged raw fish and raw fish products
- packaged raw meat and raw meat products
- packaged raw poultry and raw poultry products
- ready-to-eat food, whether hot or cold frozen or refrigerated products, or any other product that may leak liquid or create condensation
- household and garden chemicals.

The extent of this list suggests that most supermarket purchases would be likely to involve at least one exempt bag, thereby reducing the practicality of this option as a phase-out mechanism.

In addition, by specifying the thickness and physical appearance, which is what this private member's bill does, opportunities for loopholes can be created.

Again I refer to the RIS on page 1, where it reads —

The definition of a plastic bag needs to be broad enough to ensure that all problematic lightweight plastic bags are addressed by any legislation. The definition must **also** not be so narrow that a small change in manufacturing has the effect of moving bags outside the scope of the legislation by, for example, substituting lightweight plastic bags with slightly heavier plastic bags.

Further down the page it states —

A definition based on physical characteristics is more prone to 'loopholes', which could compromise any action to reduce plastic bag litter. For example a more prescriptive definition based on physical attributes such as dimensions or polymer type could enable plastic bag providers to avoid complying with any regulatory action by using plastic bags that fall just outside the designated range. For example, if a definition that targeted plastic bags of 20 microns thickness or less, plastic bag providers could avoid compliance by using plastic bags of 25 microns thickness.

Some may say that that might not happen. However, when I was the minister—I think that this remains the case, and Minister Morton might be able to confirm that—the Department of Environment and Conservation had received anecdotal information from Zero Waste SA that it was common practice in South Australia for both large supermarket outlets and smaller retailers to sell to customers thicker bags that are exempt from the provision of the legislation. Indeed, I was told that South Australian retailers had been selling heavier-gauge plastic bags to customers ever since the South Australian ban came into force in June or July 2009. South Australian-based Coles and Woolworths outlets had also confirmed with the department at that time that plastic bags were provided at a charge of 15c a bag. I understand that those types of bags, which were heavier and thicker, would be able to be provided to Western Australian customers for free under the legislation proposed by Hon Sally Talbot. I was also told that some smaller retailers, including restaurant takeaway services, provided bags at a cost of about 5c.

Of course, other bags would be exempt under the definition proposed in this bill because of their thickness, including department store bags—for example, David Jones and Myer bags. Barrier bags would also be exempt. Under clause 3(d), a plastic bag that constitutes or forms an integral part of the packaging in which goods are sealed prior to sale would also be exempt. I agree with Hon Sally Talbot that barrier bags and the like should be exempt from a ban if a bill such as this were passed, because of those very real health and safety concerns. But by exempting these and many other bags, which would be the simple effect of the bill, she would simply be reducing the effectiveness of a so-called ban. Indeed, despite the ban coming into full effect in South Australia, a litter survey that was undertaken one year after the ban had been put in place found that plastic bags continued to represent around one per cent of the litter stream in that state, with the thicker plastic bags seemingly becoming more prevalent. Although the survey showed that there had been a decrease in the number of lightweight bags in the litter stream, it was being offset by the thicker bags. That underlies some of the shortcomings of this legislation. Minister Morton answered a question about this matter on behalf of the Minister for Environment yesterday or the day before, and I recall from that answer that South Australia is due to undertake a review of that legislation. I think that is important. That will help us to look at this issue and find a way forward.

Secondly, I turn to issues surrounding monitoring and compliance. What has not been provided for in this bill is how that will happen. Who will be charged with checking the thickness of these bags? I presume that Hon Sally Talbot believes that that will be the department and departmental officers, but I would like the member to tell us

in her summing-up how it will be monitored, how many officers she believes will be required to go into shops and enforce the ban, and how much she believes that will cost. I also need to reflect on the fact that I have been told that during the manufacturing process of plastic bags, the thickness of a plastic bag can vary quite significantly by up to 20 microns. I am not sure whether Hon Sally Talbot took that into account when she drafted the bill, and I will be interested to hear her response in her summing-up.

Of course, there are elements with the economic cost of a ban. The regulatory impact statement that I have referred to investigated the impact of reducing the use of plastic bags. It found that a ban would be best considered as a fall-back measure should others fail. It was noted that there was a reduction in consumer choice and that the total cost across Australia, minus the environmental benefit, came to \$578 million over 10 years. That is not an insignificant amount. Of course, when we talk about the cost, we are not talking about just the cost to government and to industry; there is undoubtedly a cost to the consumer. Indeed, the RIS went through that. It identified—this is a very large number; I do not disagree—that around 3.93 billion plastic bags are consumed in Australia every year. They are 2007 figures, but they are probably the latest figures. The RIS indicated that of those plastic bags, around 2.4 billion are reused in some way. It states on page 9 of the RIS that reuse is one of the substantial benefits of plastic bags. I know that a survey that was undertaken after the Victorian trial, during which a charge was imposed, showed that around 61 per cent of customers indicated that they reused their plastic bags as bin liners. More than half of those who responded to the survey said that if they did not have those plastic bags, they would buy bin liners. I can only expect that a similar situation would occur whether there was a ban or a levy. That is important when we look at these issues, because if people do that, will it lead to a reduction in plastic bag waste? It probably will not. Will it lead to a cost impost on those consumers because they will buy those bags? It probably will.

With that in mind, it is clear that there are some significant shortcomings of this bill and a number of issues that Hon Sally Talbot has not thought through. I am not saying that tackling plastic bag use in our community is something that we should not worry about. Yes, I believe, and we all agree, that we should all do our bit to reduce plastic bag use. When good initiatives are underway, we are very happy to support those. That needs to be done in conjunction with work that is done by government. The Liberal–National government is taking steps to reduce plastic bag use and there has been a general crackdown on littering. Indeed, we have announced and introduced legislation to significantly increase penalties for littering of all types. That is an increase from up to \$1 000 to \$5 000. Although this is not related to plastic bags—I mentioned it at the beginning of my contribution—under the legislation, fines for littering cigarette butts, which has the single highest number of offenders, will increase from \$75 to \$200. I think that is a very good thing, because there can be devastating consequences when people decide to throw a cigarette butt out of the window. We have seen that occur particularly in fire-prone areas. There is a new penalty for litter that creates a public risk. That would include a lit cigarette, a syringe, and broken glass; and there are other examples. For that particular type of infringement, there will be an on-the-spot fine of \$500, and the fine can go to as high as \$5 000. I know that Minister Morton will be making a couple of brief comments about the government's position on this matter. But it is clear. I am not discounting the need to address litter and waste issues in our community. That is very important. But this bill will not lead to the total ban that has been purported by Hon Sally Talbot. The fact is that barrier bags, bags that are necessary for packaging, heavy duty bags, and department store bags will be exempt from this legislation; and the legislation provides for many more types of bags to be included in that exemption. One can hardly call that a ban.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [10.31 am]: I rise to speak in support of the Plastic Shopping Bags (Waste Avoidance) Bill 2010. I believe the time is right in Western Australia for us to be more proactive in respect to plastic bags. The reason I form that view is, firstly, that it is well recognised that plastic bags cause harm to the environment. Secondly, the community is already acting on this matter; and a range of examples have been brought to our attention during the debate on this bill. Thirdly, industry is acting, and we have heard some examples of that as well, and I will canvass those. Many more things can be done by a state government to address this issue than what this government is doing.

I want to canvass a couple of the comments made by Hon Donna Faragher in the course of her contribution today. First, I take issue with Hon Donna Faragher's comment that plastic bags can harm the environment. I think it is clear, and I will take the house to some of the reasons why I think it is clear, that it is not that they can harm the environment; they do cause harm, and they are causing harm.

**Hon Donna Faragher:** I thought I said that. Sorry.

**Hon SUE ELLERY:** The member said they can harm the environment.

**Hon Donna Faragher:** They do. Sorry. I apologise if that is what I said.

**Hon SUE ELLERY:** So we agree on that; they do cause harm to the environment.

I commend the government on the action that it is taking with cigarette butts, which are the scourge of the litter problem. That is good. But I think we can do more with plastic bags.

Hon Donna Faragher also made the comment that it is up to us all to do our bit. I agree; it is. In fact, individuals, communities and industry are doing their bit. But for that reason it is also time for the state government to be more proactive.

We have already canvassed in this debate the kind of damage that is caused by plastic bags. When I was putting together my notes for the speech that I wanted to make today, I looked at a range of source materials about the nature of the damage that is caused by plastic bags. The material that I thought was probably the most effective—it has been referred to already in the debate—is the material on the Clean Up Australia website. The reason I thought it would be useful to rely on that material is that sometimes in debates about environmental matters people take a particular theoretical position based on an ideology. When that happens, it is often easy for a person who is seeking to oppose that argument to dismiss it as an extremist or radical point of view. It makes it easy to disparage the science if we can mount an argument that it is coming from an extremist or radical point of view. However no-one could say that about Ian Kiernan and Clean Up Australia, the organisation that he established. Ian Kiernan is now recognised internationally as a person who has created a movement whereby a range of people across the nation, from all sectors of the community, help to clean up their environment.

The Clean Up Australia movement started on the beaches of Sydney. Ian Kiernan is a sailor, and he was horrified by what he was seeing on the oceans around New South Wales in particular, and the shorelines of Sydney. He was particularly motivated by the damage that he could see was being caused by plastic bags. The reason that plastic bags cause so much damage to our environment is in no small part due to the fact that they are light, and the shape of them means that they can fly and float and travel long distances. He was shocked about what he saw on the oceans. So from one angry sailor developed a movement that now is well respected and that brings together many people in the community, and, indeed, many members of Parliament, who see their annual activity on Clean Up Australia Day as an important way in which they can contribute to their community.

The Clean Up Australia website states about the science —

A plastic bag on the beach, in a tree or blowing down the street is a very unattractive, yet common sight. Moreover, because plastic bags don't go away, they just break up into smaller and smaller pieces of plastic, the number of plastic bags in the environment continues to accumulate, with 80 million littered per year.

Plastic bags are lightweight and moisture resistant, which means that they float easily in air and water, often travelling long distances.

According to the Clean Up Australia website, the ways in which plastic bags cause damage to the environment relate to the threat they pose to marine life, the amount of space they take up and the fact that they do not disintegrate in landfill, the greenhouse gases that are caused in their production, and the clean-up costs.

The website states about the threat to marine life —

Every year over 6 million tonnes of rubbish is dumped into the world's oceans, 80% of which is plastic, and a further 10% of this being plastic bags.

People might have seen the compelling footage of those points in the ocean where rubbish accumulates and goes around and around in a kind of whirlpool. That is a telling visual of how much rubbish there is in our oceans, and that causes people great concern. Of course, what led Ian Kiernan to take the position that he took was that he was seeing plastic bags not just in those horrible places in the ocean where it accumulates, but everywhere.

The website goes on to state —

With an estimated 46,000 pieces for every square mile of ocean, plastic is responsible for killing 1 million sea birds and over 100,000 sea mammals each year. Turtles, whales and sea birds mistake rubbish for food or get entangled in it, resulting in painful injuries, or even death.

The website states about landfill space —

Australians dispose of an estimated 4 billion plastic bags, or 20,700 tonnes of plastic, that can be recycled. Even plastic bags that are reused as bin bags end up in municipal waste streams and will never be recycled, filling our already limited landfill space.

The Clean Up Australia site states about the production of plastic bags —

When gas, oil and coal are used to produce plastic bags, they emit dangerous greenhouse gases. Large amounts of plastic end up in landfill, also a significant source of greenhouse gases.

### **Clean Up Costs**

It is estimated that it costs governments, businesses and community groups over \$4 million per annum to clean up littered plastic shopping bags.

Therefore, a range of scientific organisations, environmental organisations and organisations such as Clean Up Australia, which I am sure would not be insulted by me describing it as a middle Australia community-based organisation, easily demonstrate that the science is clear; plastic bags do harm our environment. There is the motivation for us all as individuals in our communities and as part of community organisations and for governments, local, state and federal, to take action to do something about this, and the bill before us today allows us to do that.

The issue I will touch on next is the fact that the community is acting, which I think is motivation for government to say, “In recognition of what the community is doing, we can step up and be a bit more proactive than we have been to date.” Most recently, people will be aware of the Fremantle No Bags Alliance in my electorate that has been campaigning to ban plastic bags. In part as a response to that but also because it is a council that listens to its electors, the City of Fremantle announced its intention to move to ban plastic bags.

When I flicked through *Hansard* to look at the debate so far, I thought Hon Liz Behjat’s contribution was interesting. Members might recall that she talked about her time as an electorate officer with Don Randall, who is an astute politician, I would have to say. He has risen in my estimation most recently! Hon Liz Behjat told us—I am quoting from *Hansard* of 24 June 2010—that when she worked for Don —

**Hon Sally Talbot:** The famous Don Randall.

**Hon SUE ELLERY:** Yes, as I just said; I described him as a very astute politician and a great judge of character. Hon Liz Behjat said that in 2005 when she was Don Randall’s electorate officer and campaign manager —

Our campaign reflected a simple slogan saying “Don Randall says no to plastic bags”. That became a very popular campaign for Don and the team. We spent many Saturdays at the Armadale Shopping Centre with calico bags that were authorised.

She was at pains to point that out. Hon Liz Behjat continued —

We had the slogan “Don Randall says no to plastic bags” and we exchanged people’s plastic bags for the calico bags.

That is happening, not only with Don Randall but also across the board. It taps into people’s desire to do something as individuals to reduce their impact on the environment, in particular by no longer using plastic bags. Many communities, including most recently, as I said, Fremantle, where the No Bags Alliance has had this kind of—what do we call it when somebody dresses up, as they do at the football? What is the word for it? Football teams have them.

Members: Mascot.

**Hon SUE ELLERY:** I thank members—I had a complete mental block! The Fremantle No Bags Alliance had a mascot walk around the streets and shopping centres in Fremantle encouraging people to stop using plastic bags. That was driven by ordinary folk who wanted to do something in their local community to address an important issue. Members will have seen it themselves in a range of community events in their electorates. Across Australia, communities have taken the initiative; when they organise local markets, festivals and entertainment events, they have gone plastic bag-free because local communities have shown a willingness and a capacity to stop and think about whether they want to continue to use plastic bags and to embrace alternatives. I think we need to tap into that.

One document that I will refer to in more detail a bit later is a piece of work that I think was initiated through the Environment Protection and Heritage Council and done in 2008 by the Victorian government and the Australian National Retailers Association. I think this initiative arose out of a ministerial group to do some work on the take-up rate of imposing a charge on the use of plastic bags. This is not about a ban on plastic bags, but about a charge on plastic bags. However, it demonstrates the community’s willingness to take up this issue. There was a four-week trial in 2007 across 17 stores in three trial areas—namely, Fountain Gate, including Berwick, Hampton Park and Narre Warren; Wangaratta; and Warrnambool. The overall outcome of the trial was very positive. The report on the trial states —

... with an immediate and sustained reduction in plastic bag use throughout the four week trial. On average a 79 per cent reduction in plastic bags was achieved across the three trial areas, which is a very consistent decrease.

KPMG was engaged to analyse the results of the trial. The report on the trial states —

The KPMG Report demonstrates strong community support for the trial. The Committee notes that a substantial majority of 86% of consumers supported initiatives to reduce plastic bag use and that 60% of consumers were happy to participate in the trial, based on a perception that they were “helping a good cause”. By contrast, 13% of customers expressed concern at the cost of plastic bags resulting from imposition of the charge.

It is important to note that, although it is not universally embraced, a very significant majority of consumers support it. Measures such as the sort of transition provisions that Hon Sally Talbot has put in the bill before us today would go some way towards allowing us to educate that 13 per cent of people and to help allay some of their fears of inconvenience if plastic bags of the thickness referred to in the bill were no longer available.

Another thing that I think is really important to note is that industry is acting. Often it is the case that propositions are put to government to try to lead the way, but in this instance the community is leading the way, industry is leading the way and in the case of the City of Fremantle, local government is in fact leading the way. Hon Donna Faragher referred to some of the Wesfarmers retailers such as Bunnings, Target and Officeworks that have long had in place measures to reduce the use of thin plastic bags. I will talk a little about that. Bunnings was the retailer in the Wesfarmers group that led the way. Back in 2003, Bunnings started action to reduce the use of plastic bags in its stores. Target put a charge in place on the use of thin plastic bags, as has Officeworks. I am a frequent shopper at all three of those retailers. My favourite is Bunnings; I love Bunnings. Members would be aware that in each of those three retailers—Bunnings, Target and Officeworks—people can purchase a lot of very small things. We might think people would find it terribly, terribly inconvenient to not be able to have one of those thin plastic bags to put all those little bits and bobs into. But, in fact, people have got over it. As was referred to earlier, Bunnings stacks boxes against the wall near its checkouts, and people pick the size box that fits the stuff that they want to take home. If people really want a plastic bag after shopping in Target, they have to add an extra 5c or 10c to the cost of their purchases to receive a bag. The change in staff behaviour of not going to the automatic default position of putting purchases into a bag or asking customers if they want a bag has not led to people not going to Target, for example. It is the same with Officeworks. I went to Officeworks on Sunday to buy some stuff. Members should think about the sort of small stuff that we can buy at Officeworks. Nobody is freaking out. Officeworks does not have big boxes against the wall, although staff will get them if people want them. However, people have not stopped shopping at those major leading retailers because of the changes that they have decided to make to their practice in respect to thin plastic bags. I commend Wesfarmers for doing that, and in particular my favourite shop, Bunnings, because it started this practice in 2003. It has gradually decreased the capacity for people to get a bag at all, so that people cannot get a plastic bag in Bunnings now. In Target they can, if they purchase one, but in Bunnings they cannot. People who shop in Bunnings have to work out which of those little boxes they need or—heaven forbid—bring their own bag. An even more radical thing is that people can use their hands and carry their purchases themselves.

**Hon Ed Dermer:** It is interesting that the stack of boxes was a feature of supermarkets in the 1960s.

**Hon SUE ELLERY:** Yes, and much later. Many of the moves that I made between student houses in my 20s relied on going to the supermarket to get boxes to move all my stuff. However, we do not see those boxes in supermarkets now, that is for sure.

The industry has demonstrated that it is capable of taking leadership. The trial that was conducted between the Australian National Retail Association and the Victorian government tells us two things. First, it tells us that retailers are prepared to trial different alternatives. Wesfarmers led the way, so other retailers can see that it will not damage their business.

**Hon Donna Faragher:** Why didn't they implement it?

**Hon SUE ELLERY:** I do not know why it did not.

**Hon Donna Faragher:** Victoria hasn't banned them; that's the thing.

**Hon SUE ELLERY:** I do not know why it has not, but I encourage it to do so.

The point I am trying to make is that retailers have shown that it is not something they are afraid of. It is something that they are capable of putting in place without damaging their revenue or turning away their customers. People want this stuff. People want to be able to make an individual contribution to saving the environment. They are hungry for it!

**Hon Sally Talbot:** They're just waiting for a bit of leadership.

**Hon SUE ELLERY:** Yes; what they want is leadership. When they see leadership from the retailers that they use on a regular—in fact, daily—basis, it does not turn them away. When they see government also acting in a leadership capacity, they admire those governments for doing so. I am disappointed that Victoria did not take it further than that, but I think the Victorian government that was in place at the time the report was done showed

some leadership by being prepared to support the trial and provide all the administrative and financial assistance to pay for KPMG, for example, to do the analysis of the report. What is missing in the Western Australian equation is leadership from the state government. I encourage the state government to tell us what it is specifically doing about plastic bags. Hon Donna Faragher has said that the government will not be supporting this bill. The government should bring in another bill if it thinks that this one is flawed. It should bring in its own legislation and implement its own policies. It should sit down with the retailers now and do its own trials. It should build on the work that has been done elsewhere to show the Western Australian community that it is serious about addressing the problem of plastic bags.

According to the Choice information about plastic shopping bags, the retailers that have phased out plastic bags are, first, Bunnings, which has had no plastic bags since 2008. It has only reusable bags for sale. In fact, my research shows that Bunnings in WA started the process of getting to that point in 2003. The second retailer is Ikea, which is so scary for me that I cannot go there anymore! It has had no plastic bags since 2004; it has only those big, funny-looking ones. The third retailer is Aldi. We do not have any Aldi stores in WA, but I have shopped at Aldi stores in Victoria. Other members may have shopped at Aldi as well. Aldi has not offered plastic bags since it opened in Australia. Target has not had any plastic bags since mid-2009. It has biodegradable and reusable bags for sale. Australia Post has not had any plastic bags since mid-2009, but it has reusable bags for sale. Australia Post is an interesting one, because that is a service provided under legislation overseen by a government, so it would be interesting to hear from the state government. State government agencies provide things to people who might want to take them away in a plastic bag. Do any of those WA government agencies say that they do not provide plastic bags? I am thinking about those information bags that we get from some organisations. That is just one of the things that a state government could do now; it could make a decision about the way it provides information to people and whether it relies on plastic bags to do that.

The point I was making, however, is that the industry has shown that it is prepared to lead. It has shown that the sky does not fall down, the world does not end and customers do not leave in droves if action on this issue is taken. We ought not be afraid of showing leadership on this issue. Some people will find it inconvenient to not be able to use those shopping bags as their bin bags, for example, or to not be able to use them at home for other things. However, research that has been done shows that that is a small group and that we can change their attitudes towards those things by making sure that alternatives are available to them.

I want to talk a bit about the City of Fremantle. Last month, the City of Fremantle indicated that it wanted to work towards becoming the first Australian council to outlaw single-use plastic shopping bags under plans to turn longstanding policy into law. Other local government authorities around Australia, including some in Western Australia, have implemented a range of lesser measures than that with plastic bags, but they are looking at the issue. I think the City of Albany is one of those, but there are others also. Through one of its committees, the Fremantle council voted to create a local law targeting non-biodegradable, lightweight plastic bags commonly found at supermarket checkouts. Mayor Brad Pettitt said that he proposed a trial period—a phase-in period—including a pretty extensive education campaign. He said that the City of Fremantle is responding to its community. It is fantastic that one of the local government authorities in my electorate is leading the way. It is not unexpected that Fremantle council would lead the way in this kind of policy area, but I encourage the others, because there are lots of progressive councils in my area. The City of Melville does a lot of fantastic things on the environment, for example, and in a range of other social policy areas. I encourage all of them to look at what is going on in the City of Fremantle and to get on board.

The point I have been trying to make is that I think the time is right because we have in place widespread community support for changes in plastic shopping bag use. Not only that, we also have a community that is actually hungry for change; it wants to be shown ways it can take action in this area. The water has been well and truly tested by major retailers across Australia, including in WA, and the industry has shown it is not afraid. Also, industry leaders have shown other participants in the retail sector that it is not something they need to be frightened of because there will be no drop-off in clientele and customers as a result. So, we have individuals hungry for change, communities taking action in whatever way they can, and industry taking action and leading the way. What is missing from that equation? I think it is the WA government. The time is now right for the state government to show leadership on this. I hope the government supports the Plastic Shopping Bags (Waste Avoidance) Bill 2010, but if it does not, it should tell us what it is going to do instead, and how it is going to do it better, to harness that energy in the industry and community and to take serious action to reduce, and ultimately eliminate, the use of lightweight plastic shopping bags.

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [11.01 am]: On behalf of the Minister for Environment, I am happy to conclude the government's response to Hon Sally Talbot's Plastic Shopping Bags (Waste Avoidance) Bill 2010. Before I do, I have to say that I cannot add much to what has already been said by Hon Donna Faragher, who obviously has a very substantial and comprehensive overview of this issue. Some of the comments I make will sound like repetition because when Hon Donna Faragher was

Minister for Environment she got partway through her speech on this issue, and a lot of the information from the current Minister for Environment is exactly the same as she gave. I again commend Hon Donna Faragher for the work she did as Minister for Environment.

I think it is probably worthwhile making absolutely clear that the government recognises the impact of all forms of litter, including the various plastic bags, on the environment. In saying that, I also acknowledge the really wonderful voluntary actions that people have undertaken to date that have resulted in the outcomes that have already been achieved. All the outcomes that the Leader of the Opposition talked about have been achieved voluntarily. I do not think we should underestimate the importance of people feeling happy to participate in these sorts of voluntary measures, rather than feeling that they are having a big stick used on them.

As Hon Donna Faragher said, it is important that we do not concentrate on a particular litter stream in isolation—in this case, plastic bags. That is a particularly important point, as the government would not wish to see a clamping down on one form of litter or product usage, only to see a substitution effect and the problem being transferred elsewhere. Later in my contribution I will make some comments about how people have already started to get around some of the regulations that have been put in place in other states. It is important in this sense to note that the percentage of plastic bags in the litter stream is estimated to be between one and two per cent, so to focus on just that small area, knowing full well that it could blow-out in another area, does not seem to have quite the effect that the current voluntary measures are having.

Nevertheless, that is certainly not to trivialise the matter of plastic bags in the environment. I think we all agree that measures to reduce plastic bag use are important—as are others that reduce the introduction of other materials into the waste stream—and should always be encouraged. I do not intend to go over the range of initiatives that have been implemented to achieve this within the retail sector, as Hon Donna Faragher has already outlined them; however, some independent research, including a response to the Victorian trial, has shown that there is some concern regarding occupational health and safety issues in respect of the weight and movement of reusable bags, in addition to the hygiene of bags presented to staff at checkouts. Having said that, although these issues should be raised and managed, I believe such bags are valuable when used properly. I also continue to be impressed by the initiatives taken by communities and retailers to reduce plastic bag use because they are being done, as I have said before, voluntarily, rather than people being forced by law.

As Hon Donna Faragher said, at first look the bill appears simple, but as has already been pointed out—I do not intend to go through all the same points—it will simply not lead to a total ban, which is what Hon Sally Talbot was hoping to achieve. There would be a number of exemptions to the legislation, such as the heavier bags, the barrier bags, and others that would be included in the regulations. Hon Donna Faragher was absolutely correct when she said the Department of Environment and Conservation has information from Zero Waste South Australia that it is common practice in South Australia for retailers—large and small—to sell thicker bags that are exempt from the provisions of the legislation. It seems that retailers appear to be getting around the ban, and thicker bags are an unintended consequence of the legislation on which the bill is based. Despite the ban, South Australia's 2010 litter survey showed that plastic bags continued to make up nearly one per cent of the litter stream, with lightweight bags being offset by the thicker exempt bags, proving the shortcomings and unintended consequences of the legislation.

Under Hon Sally Talbot's bill, barrier bags or tear-off bags commonly used for fruit and vegetables will also be exempt, as will bags deemed integral to the packaging of goods. Although it is clear that barrier bags should be exempt from any ban due to health reasons, by exempting these and other bags, as Hon Donna Faragher has said, the effect of a so-called ban is reduced, as is the environmental benefit. Indeed, Hon Linda Savage referred to the impact of confectionery bags; under this legislation such bags would be exempt, as would many others.

I turn now to the economics of a ban. The report that Hon Donna Faragher mentioned found that a ban would reduce consumer choice, and the total cost across Australia, minus the environmental benefit, would be around \$578 million over 10 years. From a Western Australian perspective, that would equate to a net cost of around \$5.8 million a year. According to the report, that would be higher than the estimate of the cost of either a mandatory charge or a levy of 25c. With that in mind and acknowledging the importance of continuing to reduce plastic bag use, we believe that the bill has some significant shortcomings. In saying that, it is important that we continue to take steps to reduce plastic bag use and to crackdown on general littering, particularly given, as I have mentioned, that plastic bags represent only around one to two per cent of the litter stream. In this regard, as Hon Donna Faragher has already mentioned, the government has introduced legislation to specifically increase penalties for littering across all types of waste. This was done in consultation with Keep Australia Beautiful WA, and I acknowledge the chairman, Mr Mel Hay, and the members of the council for their advice with respect to this important issue.

The increase in penalties will provide a significant deterrent to would-be litterers. This includes increasing penalties for cigarette butt litter which, as Hon Donna Faragher said, is the greatest area of litter we face. It



represents the most littered item in Western Australia, with fines being increased from \$75 to an on-the-spot fine of \$200. These are important measures that demonstrate a clear commitment by this government to reduce litter around the state.

I will conclude my remarks by restating that the government believes the bill before us has significant and practical problems. It clearly will not lead to a total ban, as Hon Sally Talbot purported, due to the exemptions for barrier bags and heavy-duty bags. As such, the bill cannot purport to eliminate the environmental impact of plastic bags. The bill will create an impost on consumers. Information received from South Australia indicates that heavy-duty plastic bags are still present in the litter stream. That calls into question the effectiveness of the legislation on which this bill is based. The government awaits the review of the South Australian legislation to determine the extent to which the act has been effective in restricting the supply of plastic shopping bags and the effect that it has had in the community. The government supports, and strongly encourages, the excellent initiatives being taken by retailers and communities, as well as increasing penalties for littering, of which plastic bags are a part. As such, the government will not be supporting the bill.

**HON SALLY TALBOT (South West)** [11.12 am] — in reply: I rise to conclude this part of the second reading debate and to thank my colleagues all around the house for their contributions. On occasions, it has been quite a useful addition to the way this discussion has been going on in Australia for many years. It was pointed out that this bill has been sitting on the notice paper for some time, although we commenced debate at some point during 2010.

**Hon Donna Faragher:** June.

**Hon SALLY TALBOT:** June 2010. Thank you, Hon Donna Faragher.

That is not the only device open to us through this Parliament to get important issues onto the public agenda. Unfortunately, the government has shown absolutely no interest in advancing this or the several other issues that we have put on the agenda for discussion. The government has shown absolutely no interest in advancing this debate. It has fallen to the opposition to take this to the next stage. We will continue to do this. On this side of the house we believe very strongly that the waste management issue is an issue that Western Australia did not deserve to fall so far behind the rest of the nation on, given that during Labor's last period in office we introduced legislation that was hailed as world's best practice. We have the best possible infrastructure for providing these services. Sadly, in the years the Barnett government has been in office, we have seen the Liberals and Nationals in this place do nothing to advance that agenda. That is a matter of considerable regret—not to me, because that is not important, but to the community of Western Australia, which is important.

I will make brief references to some aspects of the debate. I am glad that Hon Linda Savage found the opportunity to get her head around another complex subject, which is polyethylene. I thank her for her very positive contribution. To Hon Liz Behjat, I just say that anybody who has been an activist in this area for as long as she has must realise by now that what we are doing is not working. I am disappointed that, having come out of the closet as an environmental activist, she does not find herself able to support this bill. She may of course have tried to exert some influence in the party room, but has clearly not been successful. Hon Robin Chapple referred to the fact that this debate is a bit “deja vu” for the Greens. We nearly got another example today, because I am told he was fully intending to speak but he has already made one contribution to the debate. I thank him for that.

The general contribution from the government has been to come up with all sorts of reasons for not acting. I simply say to the house that this is not good enough. Not once have we had from the government anything other than criticism of this move. There was not one single constructive contribution to this debate. Not one alternative was offered. The government's response is to do nothing. It is interesting that when Hon Sue Ellery raised the question of leadership—which of course is key to this issue—the government's response was that it supports what other people are doing. Quite simply, and quite literally, support is not leadership. By definition, it is not leadership. We are getting absolutely no leadership from this government at all on this issue.

By way of closing this debate, I point out that when the government finally released the state waste strategy two weeks or so ago—finally, after just over 1 200 days in government; I am certainly counting!—it has, by stealth, walked away from the commitment that I had thought, and many others had thought, was a partisan commitment to zero waste by 2020. We have now scrapped that ambition. That was a very, very sad day for Western Australia, and it deserves to be marked. I put to honourable members in this house that it is not good enough to sit there and do nothing. I am very happy, if we can get to the committee stage on this bill, to accept amendments from the government particularly in terms of the types of bags that are covered and the technical specifications relating to them. I will be very happy to consider those amendments. We cannot just sit back and do nothing. We need leadership on this issue. I am very pleased to be a member of the WA Labor Party which is providing that leadership. I commend the bill to the house. I have moved the second reading and it is now a matter before the house.

**Extract from *Hansard***  
[COUNCIL — Thursday, 22 March 2012]  
p1101c-1110a

Hon Donna Faragher; Hon Sue Ellery; Hon Helen Morton; Hon Dr Sally Talbot

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Question put and a division taken, the Deputy President (Hon Col Holt) casting his vote with the noes, with the following result —

Ayes (13)

Hon Helen Bullock  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery

Hon Adele Farina  
Hon Lynn MacLaren  
Hon Ljiljanna Ravlich  
Hon Linda Savage

Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Alison Xamon

Hon Ed Dermer (*Teller*)

Noes (18)

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Wendy Duncan  
Hon Phil Edman

Hon Brian Ellis  
Hon Donna Faragher  
Hon Philip Gardiner  
Hon Nick Goiran  
Hon Nigel Hallett

Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore

Hon Helen Morton  
Hon Simon O'Brien  
Hon Ken Baston (*Teller*)

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Pairs

Hon Matt Benson-Lidholm  
Hon Jon Ford

Hon Mia Davies  
Hon Max Trenorden

Question thus negatived.

Bill defeated.