

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL 2010

EXPLANATORY MEMORANDUM

(Introduced by the Hon. Sally Talbot MLC)

This Bill will introduce a new Act to phase out the supply by retailers of single-use plastic shopping bags.

Clause 1 Short Title

Provides for the proposed Act to be cited as the *Plastic Shopping Bags (Waste Avoidance) Act 2010*.

Clause 2 Commencement

Provides for the proposed Act to come into operation 28 days after it receives the Royal Assent.

Clause 3 Interpretation

Provides definitions of key words and phrases used in the proposed Act.

Clause 4 Retailer must provide alternative shopping bag until transition date

This clause provides for an interim transition period after the proposed Act comes into effect, during which a retailer who provides plastic shopping bags to customers must also make available an alternative shopping bag.

The retailer may require the customer to pay a fee for the provision of an alternative shopping bag.

The date at which the transition period will end is to be prescribed by regulation.

Clause 5 Retailer not to provide plastic shopping bag

This clause provides that, at the conclusion of the transition period, it is an offence for a retailer to provide a customer with a plastic shopping bag.

A retailer is not guilty of an offence if the retailer proves that he or she believed, on reasonable grounds, that the bag was not a plastic shopping bag.

A retailer may be guilty of an offence whether or not a customer is required to pay a fee for the provision of the plastic shopping bag.

Clause 6 Person must not represent that supplied shopping bag is not a plastic shopping bag

This clause provides that it is an offence for a person who provides a plastic shopping bag to another person to knowingly misrepresent to the other person that the bag is not a plastic shopping bag.

Clause 7 Interaction with Environmental Protection Act

Provides that the proposed Act is to be read together with the *Environmental Protection Act 1986*, and that the proposed Act prevails to the extent of any inconsistency.

Clause 8 Regulations

Provides that the Governor may make regulations for the purposes of the proposed Act.

Clause 9 Review of Act

Provides that the Minister is to conduct a review of the operation of the proposed Act two years after the conclusion of the transition period, and report to Parliament on the result of the review.