

The *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*
Review of Act – 2024
Report

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Reviewer
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1 Preliminary

*It can take a moment for plastic to enter the environment, but the environmental impacts last for centuries. By 2050 it is predicted that the amount of plastic in our oceans will outweigh fish, causing untold harm to marine life. By 2025 it is estimated that 99% of seabirds will have ingested plastic, which often leads to slow and painful deaths.*¹

1.1 Introduction and terms of reference

The *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* (the **Act**) provides a framework that allows restrictions and prohibitions to be imposed in relation to the manufacture, production, distribution, sale or supply of certain single-use and other plastic products in South Australia.

This purpose is further expanded when consideration is given to the objects of the Act, which are:

- (a) to provide for the restriction or prohibition of certain single-use and other plastic products; and
- (b) to promote and support better waste management practices including the reduction of marine litter; and
- (c) to promote and support the principles of the waste management hierarchy; and
- (d) to promote and support the principles of the circular economy.²

The Act requires that a review be conducted into various aspects of the Act as soon as practicable after the third anniversary of the commencement of the Act.³ The State Government engaged Richard Dennis AM PSM⁴ to undertake the review.

Essentially, the purpose of the review has been to consider the operation and effectiveness of the Act during its first 3 years of operation.

The terms of reference for this review are as follows:

- (a) The effect on the community of Part 2 of the Act – Prohibited plastic products including the prohibited plastic products listed in the Act, those that have been

¹ *National Plastics Plan 2021*, Australian Government, Department of Agriculture, Water and the Environment, available at <https://www.dcceew.gov.au/environment/protection/waste/plastics-and-packaging/national-plastics-plan>.

² See section 5 of the Act.

³ See section 19 of the Act.

⁴ Former South Australian Parliamentary Counsel (2006 – 2015), legal practitioner and consultant.

added by regulation and public consultation undertaken to add prohibited plastic products by regulation.

- (b) The effect on the community of Part 3 of the Act – Oxo-degradable plastic products including manufacture, sale, supply or distribution of oxo-degradable products.
- (c) Public information campaigns conducted by or on behalf of the South Australian Government on reducing the use of plastic products and increasing the recycling of plastics.
- (d) Opportunities to update the definitions of “plastic”, “oxo-degradable” and “single use” to better reflect improved technology and to seek harmonisation across Australian jurisdictions.
- (e) Opportunities to address the use of harmful chemicals in single-use and other plastic items and their alternatives.
- (f) Review other jurisdictions single-use plastic legislation and consider opportunities to harmonise the list of plastic prohibited products in South Australia with those already implemented or planning to be implemented in other Australian jurisdictions and New Zealand.
- (g) Opportunities to mandate reusable food and beverage containers in specific settings and/or large public events.

The reviewer was particularly interested to identify:

- (a) what is working well; and
- (b) the positive impact that the Act has had on the environment and waste management practices; and
- (c) what is not working as well as it should; and
- (d) what can be done to improve the effectiveness of the Act.

The Act does not apply to a container that is the subject of a beverage container approval under the *Environment Protection Act 1993*.

1.2 Significance of plastics in the community

There is no doubt that plastics provide significant benefits to our community and our economy. As stated in the *National Plastics Plan 2021*, plastic has been a revolutionary material, with unique properties of being highly mouldable, durable, lightweight and cheap to produce. Similarly, South Australia’s Waste Management Strategy makes the following point:

Due to their many functions and low cost, plastics have become ubiquitous and play an important role in our daily lives. For example, plastic packaging can assist in food safety and sometimes reduce food waste; biocompatible plastics combined with 3D printing

can support medical innovation; and light plastic materials used in the design of cars or planes can save fuel.⁵

A similar point was made in a submission, noting that plastics have a valuable role to play in a productive and circular economy. The submission goes on to say: “Plastics are widely utilised or incorporated into products because they are durable, lightweight, hygienic and affordable. Plastic is often used in food packaging because it has been proven to be an effective medium for protecting and preserving goods, delivering high standards of hygiene, whilst also realising numerous circular economy and environmental benefits.”. A similar point is made in the UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability*.

However, plastics are also a major source of waste and litter, and have had a huge impact in terms of such things as marine pollution. As was noted in the *National Plastics Plan 2021* (and so using figures from that time), Australia produces 2.5 million tonnes of plastic waste each year, equating to 100 kg per person. Of this, only 13% of plastic is recovered and 84% is sent to landfill. More concerningly, around 130,000 tonnes of plastic consumed in Australia leaks into the environment each year.⁶ The Act is about reducing these outcomes as they apply to South Australia.

1.3 Overview of legislation

1.3.1 Initiation of legislation

The South Australian Parliament passed the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* in September 2020. As stated on the South Australian Government’s website *Replace the Waste*, this legislation was the first of its kind in Australia and a positive step towards avoiding waste. It was developed and enacted in response to what was perceived to be an important need for rapid intervention to reduce, minimise or eliminate impacts rising from the production and consumption of single-use plastics and other single-use items on the economy, society and the environment.⁷ Indeed, as stated in the UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability*, much of the plastic that we produce is designed to be thrown away after being used only once.⁸

It is recognised around the world that phasing out single-use plastics is an important and achievable step in striving to reduce pollution, cut carbon emissions and protect marine life. It is

⁵ <https://www.greenindustries.sa.gov.au/resources/sa-waste-strategy-2020-2025> at page 34.

⁶ *National Plastics Plan 2021*, Australian Government, Department of Agriculture, Water and the Environment, available at <https://www.dcceew.gov.au/environment/protection/waste/plastics-and-packaging/national-plastics-plan> at page 4.

⁷ See the South Australian Government discussion paper *Turning the Tide on Single-Use Plastic Products* (2019) at page 13.

⁸ See page vi of that document.

also a key initiative in reducing the amount of material that goes into landfill.⁹ The legislation also provides an element of consistency with initiatives previously announced by the European Commission, and several other jurisdictions in Australia have now introduced similar legislation.

As noted in a submission made for the purposes of the review, the banning of single-use plastic waste is crucial for several reasons. There are financial benefits through the reduction in landfill and contamination in the recycling stream. There are sound environmental reasons, such as reducing litter in our public spaces and waterways. There are benefits to the circular economy with increased industry investment in compostable and reusable alternatives. There are benefits to the consumer by simplifying disposal methods.

These legislative schemes are also consistent with the United Nations Sustainable Development Goals, which were adopted in September 2015 and include a goal that is specifically focused on responsible consumption and production patterns.¹⁰

At the same time and as already noted above, it has been recognised that plastics play an important role in our economy and daily lives. Plastics may help to ensure user safety or food safety, and reduce food waste.¹¹ Plastics can be important in a variety of industries and work situations, in providing medical or other health services, in some situations involving people living with disability, and in other circumstances or situations.

It is also useful to consider the following extract from a submission made for the purposes of the review:

Over time, and as more alternatives to plastics are developed, it is expected that our community's reliance on plastics will reduce over time. In the meantime, and where no practicable alternatives to plastics are available, a strong focus needs to be placed on the effective recovery and recycling of that plastic material following use.

Taking these matters into account, the legislation seeks to provide a balanced and workable approach to the prohibition, control and use of single-use and other plastic products. It essentially works to phase out an initial set of plastic products identified in the legislation itself and establishes a framework for the phasing out of other items by regulations made under the Act and after a public consultation process.

The Act essentially has two key sets of prohibitions and controls, as described in the following paragraphs.

⁹Replace the Waste <https://www.replacethewaste.sa.gov.au>.

¹⁰ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>. Goal 14 is also relevant, which is focused on "life below the water".

¹¹ See the South Australian Government discussion paper *Turning the Tide on Single-Use Plastic Products – Approach and Next Steps* (2019) at page 3.

1.3.2 Prohibited plastic products

Firstly, the Act prohibits the sale, supply or distribution of several series of plastic products, called ***prohibited plastic products***. The items prohibited under this part of the Act have been included as prohibited plastic products in stages.

The first batch of ***prohibited plastic products*** were banned from 1 March 2021. These were single-use plastic drinking straws, cutlery and stirrers.¹² These items are listed in the Act.

The second batch of ***prohibited plastic products*** were banned from 1 March 2022. These were expanded polystyrene cups, bowls, plates and clamshell containers.¹³ These items are also listed in the Act.

The third batch of ***prohibited plastic products*** were banned from 1 September 2023. These were single-use plastic bowls and plates, plastic-stemmed cotton buds and plastic pizza savers.¹⁴ These items were included under the legislative scheme by regulation.

While out of the scope of this review, the fourth batch of ***prohibited plastic products*** came into operation on 1 September 2024. These include plastic barrier bags used for unpacked fruit, vegetables, nuts and confectionery, thick plastic film and plastic laminated paper shopping bags, expanded polystyrene trays, expanded polystyrene consumer food and beverage containers, single-use plastic hot and cold beverage cups and attachments, single-use food containers used for ready-to-eat food, plastic confetti, plastic balloon sticks and ties, and plastic food bag tags. These items have been brought under the legislative scheme by regulation.

A fifth batch of bans will come into operation on 1 September 2025.¹⁵ These will include plastic barrier bags used for unpackaged dairy products, meat, poultry or fish, plastic produce stickers, pre-filled soy sauce containers, attached single-use drinking straws and cutlery¹⁶, and expanded polystyrene food packaging.¹⁷

A series of exemptions have also been put in place by regulations under the Act.

1.3.3 Oxo-degradable products

Secondly, the Act prohibits the manufacture, production, sale, supply or distribution of a product comprising, in whole or in part, oxo-degradable plastic. Essentially, oxo-degradable

¹² See section 6(1)(a), (b) and (c) of the Act.

¹³ See section 6(1)(d), (e), (f) and (g) of the Act.

¹⁴ See the *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021*, regulation 3A.

¹⁵ These bans are also out of the scope of this review.

¹⁶ This will be achieved by removing an exemption that currently applies (see the *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021*, regulation 4).

¹⁷ See the *Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024* (South Australian Government Gazette 16 May 2024).

plastic is defined by the Act as being a material made of plastic which includes additives to allow the product to break down quicker than a standard plastic product would. The definition refers to this breakdown being triggered by ultraviolet radiation or heat exposure, and provides that this is, or may be, (but does not necessarily need to be) followed by partial or complete breakdown of the material by microbial action.

This Part of the Act came into operation on 1 March 2022.

1.4 Administration of Act – relevant government agencies and key roles

Green Industries SA (**GISA**) is the lead government agency for supporting the development of a circular economy in the State through diverse collaborations to improve productivity, resilience, resource efficiency and the environment. It aims to transform how South Australians use and value resources, and its objectives include to promote waste management practices that, as far as possible, eliminate waste or its consignment to landfill, and to promote innovation and business activity in the waste management, resource recovery and green industry sectors. It is the primary initiator of South Australian Government policy associated with single-use plastics and other comparable plastic products.¹⁸ In connection with its role relating to the administration of the Act, GISA has established the *Single-use Stakeholder Taskforce*, which provides valuable information and advice in relation to the operation of the Act and the introduction of bans.

The Environment Protection Authority SA (the **EPA**) is the regulator for the purposes of the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*.¹⁹ The EPA has indicated that its regulatory focus in connection with the Act has been to work with businesses if they are selling or supplying prohibited items to assist them in making the transition to the use of compliant alternatives. To date, the EPA has not issued any expiations or undertaken formal compliance action beyond issuing advisory letters to businesses if a relevant matter is brought to the EPA's attention.

In addition, the importance of local government councils and authorities in promoting the objects of the Act, collecting or recovering plastics and related materials through kerbside or similar publicly accessible collection and recovery systems and services, assisting local businesses in the implementation of bans introduced under the Act, and dealing with litter and other waste management issues, should be specifically noted.

¹⁸ See the *Green Industries SA Act 2004*.

¹⁹ See section 15 of the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*. This section provides that the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* and the *Environment Protection Act 1993* (as in force from time to time) are to be read together and construed as if the 2 Acts constituted a single Act.

1.5 Related considerations

1.5.1 National initiatives

Preliminary

There are several national initiatives, policies and decisions that are also relevant to the context in which the Act must work and to aspects of this review.

National Waste Policy Action Plan 2019

This action plan flows from the *National Waste Policy 2018*.²⁰ One of its targets (Target 5) has been to phase out problematic and unnecessary plastics by 2025. Actions proposed under this target included:

- To identify problematic and unnecessary single-use plastic packaging to provide an evidence base for industry to take coordinated action.
- To develop a national plastics plan to increase recycling rates and reduce plastic pollution.
- To phase out 100% of microbeads from rinse off cosmetic and personal care products, and report on options to broaden the phase out of other products.
- To phase out problematic and unnecessary single-use plastic packaging through design, innovation or introduction of alternatives.
- To develop a strategy for consistent, transparent, predictable and streamlined regulation and reporting, to manage the environmental risks of chemicals and hazardous substances.
- To better manage the import, export, use, manufacture and end-of-life disposal of products and articles containing hazardous substances.
- To develop a nationally consistent tracking and data system for the movement and stockpiling of hazardous and controlled wastes.

Some of these proposals are relevant to various Commonwealth Government policies, plans and other initiatives relating to such things as single-use plastic items and materials, packaging, and hazardous chemicals.

National Plastics Plan 2021

The *National Plastics Plan 2021*²¹ recognised that addressing problems associated with plastics requires multiple interventions across the entire plastic life-cycle. This includes design, use, recovery and reuse.

²⁰ <https://www.dccew.gov.au/sites/default/files/documents/national-waste-policy-2018.pdf>.

The plan noted that the simplest way to reduce plastic waste and pollution is to avoid using unnecessary and problematic plastic. A related consideration was the need for industry to phase out problematic plastics in support of State bans on plastic products. The Australian Government committed to working with industry to fast-track phasing out of problematic plastic materials (including expanded polystyrene in certain applications, non-certified compostable packaging, and PVC packaging labels). The plan also highlighted that product design provides an “unmatched point of intervention” to reduce plastic waste.²²

Another important feature of the plan was the emphasis on recycling, including on account of the enactment of the Commonwealth *Recycling and Waste Reduction Act 2020*.

On the basis of the plan, some key focuses that are relevant to the objects of the South Australian Act include: (1) reducing barriers to recycling associated with the incorrect disposal of materials resulting in the contamination of kerbside recycling bins; and (2) increasing the products on supermarket shelves that have easy-to-understand recycling labels; and (3) harmonising the colour of bin lids to reduce confusion associated with kerbside recycling.

This plan continues to be an important point of reference in relation to the operation and potential future scope of the Act.

Relevant resolutions of Environment Ministers

In considering the operation and potential reform of the Act, it is important to take into account relevant resolutions of the Australian Environment Ministers when meeting together.

On 9 June 2023, the Environment Ministers Meeting issued an Agreed Communique indicating that the Ministers were committed to transitioning Australia towards a more resilient and regenerative circular economy that maximises the value of materials and minimises waste and pollution. The Ministers also agreed that Australia would mandate obligations for packaging design as part of a new packaging regulatory scheme. This scheme would include regulating out harmful chemicals and other contaminants in packaging. A timeline would also be set to remove contaminants from compostable food packaging.

A further Agreed Communique relevant to the control and management of plastic materials was issued on 10 November 2023. Included in this communique was a decision that the Commonwealth Government would “step up” as the new regulator of packaging standards. This would involve mandating how packaging is designed, setting minimum recycled content standards, and prohibiting the use of harmful chemicals.

In an Agreed Communique dated 21 June 2024, reference was made to progress on the Commonwealth’s new *National Circular Economy Framework*, which is due to be finalised by December 2024. The communique also noted that the removal of PFAS in packaging is an

²¹ *National Plastics Plan 2021*, Australian Government, Department of Agriculture, Water and the Environment, available at <https://www.dcceew.gov.au/environment/protection/waste/plastics-and-packaging/national-plastics-plan>.

²² See *National Plastics Plan 2021* at page 5.

urgent priority for all jurisdictions and is to be dealt with through design standards in consultation with the Heads of Environment Protection Authorities in Australia and New Zealand, with a report to be brought back to the Ministers at their next meeting.

Most recently, the Agreed Communique dated 10 December 2024 has indicated that Ministers have welcomed the Australian Government’s National Circular Economy Framework, agreed to a strengthened National Waste Policy Action Plan, and noted that the Commonwealth will consult with governments and industry in early 2025 on packaging design guidance from the National Design Standards Working Group. There was also agreement in principle to a roadmap to harmonise kerbside collection systems, to a minimum set of items that can be collected and recycled across the country. It was also agreed by Ministers to release a summary of the *National Roadmap: Harmonising action on problematic and unnecessary plastics*, which is relevant to items that will be banned in the future. It was also agreed in principle that future action be coordinated and consistent to the extent possible.²³

Packaging regulation

Australia’s packaging regulation is now being reviewed by the Australian Government.²⁴

1.5.2 The circular economy

Reference is made in several places in this report to the “circular economy”, including because an object of the Act is to promote and support the principles of the circular economy. For the purposes of this report, the ***circular economy*** is best described as an alternative to the wasteful traditional “linear” economy based on “take, make and dispose”. It is a self-sustaining system driven by renewable energy with an imperative to keep material resources in highest use, or “circulating”, for as long as possible. It extracts the maximum value from these resources while in use, then recovers and regenerates products and materials.^{25 26} As pointed out in a submission, in order to transition to a circular economy the focus needs to shift from the “back end” of the process to the “front end” and whole of material cycle. A focus on how and what types of products are manufactured, sold and consumed in the first place is the first step towards transitioning towards a more circular economy.

1.5.3 Environment Protection (Waste to Resources) Policy 2010

The *Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993* is a key regulatory instrument underpinning South Australia’s waste management

²³ See <https://www.dcceew.gov.au/sites/default/files/documents/emm-communique-10-dec-2024.pdf>.

²⁴ See DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water.

²⁵ See GISA’s *Waste and Recycling at Events and Venues – Guidelines for making a difference* (2022) at page 26.

²⁶ The *Green Industries SA Act 2004* section 3A also sets out a set of ***principles of the circular economy*** (for the purposes of that Act).

objective, including so as to provide for improved waste management and resource recovery practices.

The policy (often known as W2R EPP) is currently under review, with a focus that includes considering policy initiatives and reforms that will contribute to the South Australian Government's commitments to the circular economy and achieving zero net emissions by 2050.²⁷ Some of the issues raised in this review may potentially overlap with some reforms under consideration in the review of W2R EPP. This is something to be considered in connection with the outcomes of both reviews.

1.5.4 Mutual recognition

It is noted that the bans and prohibitions applying under the Act are subject to the *Mutual Recognition Act 1992* (Commonwealth), which allows goods that have been lawfully produced in or imported into one Australian State or Territory to be sold in another State or Territory.

A temporary exemption from the *Mutual Recognition Act 1992* expired in 2022 and steps are being taken to achieve a permanent exemption from this legislation.

1.5.5 International treaty

In March 2022 it was agreed at the United Nations Environment Assembly UNEA-5 to prepare an international treaty to end plastic pollution, with a view to having the legal agreement prepared by the end of 2024. The Australian Government has indicated its intention to become a party to the treaty once it has been developed, and this may have an impact on the extent to which the Commonwealth Government becomes more involved in such things as banning plastic items, products and materials, promoting the circular economy, and dealing with harmful chemicals associated with plastics.

1.6 Review processes

The review has mainly been conducted by the reviewer –

- (a) meeting with key people interested or involved in the operation or administration of the Act (and see Appendix 1 for a list of people or bodies who provided submissions, or who were specifically consulted, for the purposes of the review);
- (b) seeking responses to an issues paper prepared by the reviewer;
- (c) seeking submissions, and the completion of a survey, via YourSAy, and promoting the review via social media;
- (d) conducting a workshop with members of the *Single-use Stakeholder Taskforce*;
- (e) conducting his own research and analysis of the Act and other Acts and resources considered relevant to the control of plastics and related issues;

²⁷ See https://www.epa.sa.gov.au/community/have_your_say/waste-to-resources-policy-review.

- (f) considering legislation in other jurisdictions.

The reviewer expresses his sincere appreciation to each person who made time to meet with him, to make a submission, especially in response to the issues paper that was prepared for the purposes of the review, or to provide responses to the survey.²⁸ There is no doubt that the Act is an important piece of the legislation given the importance of the management of plastics to our society and the environment.

This report does not refer to all matters that were raised with the reviewer, or to some of the recommendations or changes proposed during discussions, the workshop, via YourSAy and the survey, or in submissions. In general, a decision not to adopt a suggestion or recommendation has been based on an assessment that a particular change to the Act was not required, was not advisable in the circumstances, or would not be appropriate given the legislative scheme or the objects underpinning the Act. Some matters were also outside the scope of this review. However, as indicated above, each suggestion or recommendation has been very much appreciated and the reviewer trusts that this report results in significant improvements in connection with this important piece of legislation.

1.7 The survey

A survey was conducted via YourSAy. The questions asked in the survey are listed in Appendix 2. 109 responses were received although, as would be expected, not all questions were answered by all respondents.

A survey such as the one conducted for the review does not provide a statistically relevant set of outcomes because of the relatively small number of respondents and because it does not provide an accurate set of views across the whole community, but rather attracts responses from people who have a particular interest in this topic or a view on a particular matter.

Despite the limited number of responses, it was most helpful to receive feedback, comments and suggestions about the operation and effectiveness of the Act and about wider issues associated with the use and presence of plastic items, products and materials in the community and the environment. All the responses were appreciated, and many have resulted in specific comments, observations or conclusions included in this report. Many other responses indicated general trends or views about the Act or specific aspects of the Act, recognising that there were answers to questions that sat at both ends of the spectrum, as well as many answers falling between diametrically opposing views.

1.8 List of recommendations

The following is a list of the recommendations that are being made as a result of the review. The recommendations are set out in the order in which they appear in this report.

- 1. The Act should be amended so that a plastic item should not be banned by regulation except on the recommendation of the Minister. The Minister should not make a**

²⁸ Several members of the *Single-use Stakeholder Taskforce* were particularly generous with their time.

recommendation unless the Minister forms the opinion that the item is: (a) unnecessary; or (b) for environmental, human health or economic reasons, including waste management or resource management, problematic. In forming this opinion, the Minister may consider the precautionary principle, and whether the plastic item:

- (a) can be eliminated or replaced by an item that is not a plastic item or by a reusable plastic item without causing harm or significant disruption to consumers; or
- (b) is difficult to collect or recover through kerbside or similar publicly accessible collection and recovery systems and services; or
- (c) is made from material that is difficult or costly to recycle through commercially available recycling technologies; or
- (d) hinders, disrupts or obstructs opportunities for other materials or resources to be recovered, collected or recycled; or
- (e) contributes significantly to litter; or
- (f) is made from material that may cause harm to human health or the environment; or
- (g) contains additives that accelerate the breakdown of the item into particles.

This recommendation should be adopted subject to discussion with the other States and Territories with a view to achieving as much consistency as is reasonably possible in this area.

2. In promoting consistency in approach in relation to criteria, the State Government should also consider placing significant emphasis on: (a) the threat to the environment if action is not taken; and (b) the costs of alternatives to the community and businesses.
3. The publicity associated with a new set of bans should include information about the alternatives that are expected to be provided for the items or products that are being banned, including about the composition and correct disposal of these alternatives.
4. The Act should be amended so that it is possible to ban an item that:
 - (a) is considered by the Minister to be an item that corresponds to a single-use plastic item that is banned under the Act taking into account its intended purpose or the purpose for which it is ordinarily used; and
 - (b) is a single-use item; and
 - (c) is not compostable, recyclable or reusable taking into account: (i) standards prescribed by the regulations; and (ii) other factors considered relevant by the Minister.

5. Paragraph (a) of the objects of the Act should be amended to refer to the ability to provide for the restriction or prohibition of certain single-use items that are not plastic.
6. New or additional strategies should be adopted by the State Government to promote the *Replace the Waste* website and *Which Bin SA*, including with a wider focus on waste avoidance and the correct disposal of materials.
7. The State Government should undertake regular campaigns in a variety of forms to promote which bin should be used for a particular item or product. This would be consistent with supporting an ever-increasing emphasis of the circular economy, add to the effectiveness of kerb-side collection, and provide for better outcomes when waste is being disposed of in public places. The public also needs practical guidance on what alternatives to plastics to use and how to dispose of them properly.
8. Further steps should be taken to encourage businesses and the managers of public areas to provide a variety of bins, and to use more signage about which bin to use. Advice and assistance should be provided to ensure that the signage is clear and consistent.
9. In relation to future bans, the State Government should conduct public and business forums, and plan and deliver webinars, that assist with information dissemination and education.
10. Any new sets of bans should be accompanied by a comprehensive stakeholder mapping and engagement process, outlined during the public consultation phase and then implemented after the bans are announced and before they come into operation, to ensure that all impacted parties are informed about the proposed changes and have adequate time to prepare for compliance.
11. The definition of *plastic* in the Act should be replaced with the definition used in corresponding legislation in Western Australia, being that *plastic*:
 - (a) means a material consisting of a polymer, to which additives or other substances may have been added, which can function as a main structural component of final products; and
 - (b) includes expanded plastics; but
 - (c) does not include a material consisting of natural polymers that have not been chemically modified.
12. The definition of *single-use* in the Act should be replaced with the definition used in corresponding legislation in New South Wales, being that *single-use*, in relation to an item:
 - (a) means an item designed or intended to be, or ordinarily, used only once for a particular purpose, whether or not the item is or can be –

- (i) re-used for the same or another purpose; or
 - (ii) used for more than 1 purpose; or
 - (iii) recycled; and
- (b) includes an item prescribed by the regulations, but does not include an item excluded by the regulations.
13. The definition of *oxo-degradable plastic* in the Act should be replaced with a definition based on the corresponding legislation in Western Australia, being *degradable plastic*, which is defined in the following terms:
- (a) means plastic that contains an additive designed to accelerate fragmentation of the plastic into smaller pieces under certain conditions, including exposure to light, bacteria or heat; but
 - (b) does not include biodegradable plastic or compostable plastic.
14. The use of the term “biodegradable plastic” in the definition referred to above should be reviewed with a view to using “compostable plastic” instead. Any compostable plastic excluded under this definition should meet prescribed Australian Standards. Furthermore, consideration should be given to banning the use of the term “biodegradable plastic” in connection with the labelling or marketing of materials and products. These matters should be raised with other jurisdictions with a view to achieving a consistent approach across Australia.
15. Any additional items considered to be banned from 2026 should include any plastic product that has been banned in another jurisdiction but not in this State. This recommendation should be the subject of further consultation to ensure that these additional bans are workable in this jurisdiction and to provide reasonable notice of this initiative.
16. The Act should be amended to provide for a code of practice, to be introduced by regulation, relating to food and beverage containers used at significant venues and major events. The types of venues and events will need to be determined in consultation with relevant sectors and stakeholders, with exceptions for some temporary events, and venues in regional areas where there are large distances to available infrastructure. Vendors should be able to use reusable or compostable food packaging and service ware, depending on their particular circumstances.
17. For the purposes of the proposed code of practice, a reusable container should be defined as a product that is designed and manufactured to achieve a minimum number of refill or return cycles, based on a prescribed standard, for the same primary purpose.
18. South Australia should support national initiatives to ban intentionally added PFAS in plastic and other products: (1) that are used for packaging in connection with the provision of food and beverages; or (2) that are designed to be compostable through

kerbside and other similar publicly available collection and recovery systems or services. If required, legislation should be introduced in South Australia to complement national initiatives once the Commonwealth Government has settled on its policies and legislation.

19. South Australia should work with the Commonwealth to ban harmful chemicals from plastics, their alternatives and packaging. Legislation should be introduced in South Australia to complement national initiatives once the Commonwealth Government has settled on its policies and legislation.
20. Legislation should be in place to regulate the use of compostable products, including by regulating the use of labels for products that claim to be compostable. Any products that are promoted or labelled as being compostable should be required to meet a set of prescribed standards. These requirements should build on the exemptions that currently apply under the Act in relation to the certification of relevant products and the use of appropriate labels or other markings.
21. Steps should be taken to seek consistent labelling of products across jurisdictions, and that this is addressed by the Act to the extent that it is not covered by other legislation.
22. Work should be undertaken to support the increased availability of bins at public places and events for the proper disposal of compostable items and products, and for items and products that should be recycled. Consideration should be given to supporting this by the provision of financial support and public education campaigns. The opportunity should be taken to include information about what each symbol used on items, products and materials means.
23. The State Government could collect or obtain, and publish, more information about the impact that the increasing use of compostable products is having on the circular economy and on end markets.
24. The State Government should consider, as part of the national reforms relating to packaging, supporting the proposal that black and dark coloured plastic packaging should not be used.
25. The objects of the Act should be amended by excluding the word “marine” from paragraph (b) in order to make it clear that the Act is interested in litter reduction across all aspects of activity and the environment, not just in connection with the marine environment.
26. Consideration should be given to amending the Act so that the Minister is able to grant exemptions from the operation of the Act, or specified provisions of the Act. The provision would provide that an exemption would be able to be granted subject to any conditions determined by the Minister and that an exemption would be able to be varied or revoked by the Minister in the Minister’s absolute discretion.

27. It should be possible to prescribe design standards for plastic and other items for environmental, human health or economic reasons. The scheme should be modelled on the scheme that is found in the *Plastic Reduction and Circular Economy Act 2021 (NSW)*.
28. A consequential amendment will need to be made to the long title of the Act to take into account the broader scope of the Act on account of recommendations made in this report. Additional changes to the objects of the Act will also need to be considered.
29. The short title of the Act should be amended. One option would be to change the name of the Act to *Plastic Control, Product Management and Waste Reduction Act*.
30. Consideration should be given to replacing references to “product” in the Act with the term “item”, which would be defined to include: (a) a part of an item; and (b) a product, material or substance.

1.9 Key terms and acronyms used in this report

The following are key terms and acronyms used in this report:

Act is the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*.

AS 4736 – 2006 – *Biodegradable plastics suitable for composting and other microbial treatment*. This is an Australian Standard for bioplastic material that can be composted at a commercial composting facility.²⁹

AS 5810 – 2010 – *Biodegradable plastics suitable for home composting*. This is an Australian Standard that certifies material that can be composted in a home compost bin.

Circular economy – see Part 1.5.2 of this report.

Community – this is taken to include:

- (a) consumers; and
- (b) industry and businesses (including manufacturers, producers, suppliers and distributors); and
- (c) State government and local government agencies and authorities.

Corresponding law – this is a law of another State or a Territory, of the Commonwealth, or of New Zealand, that corresponds to the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* (and for the purposes of this report, a corresponding law may be an Act of Parliament or a set of regulations made under an Act).

²⁹ Commercial compost facilities generate much more heat than a home compost bin, and use oxygen and water to break down materials into compost. Both AS 4736 – 2006 and AS 5810 – 2010 certified compostable products can be processed at commercial composting facilities.

Discussion Paper – this is the Discussion Paper that was prepared and released by the reviewer for the purposes of this review.

EPA is the South Australian *Environment Protection Authority*.

GISA is *Green Industries SA*.

LGA is the *Local Government Association of South Australia*.

PFAS – per- and polyfluoroalkyl substances, which are discussed in Part 8 of this report.

Precautionary principle – this is commonly viewed as the principle that, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental damage. In addition, as set out in the NSW *Plastic Reduction and Circular Economy Act 2021*, in applying this principle, decisions should be guided by: (a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and (b) an assessment of the risk-weighted consequences of various options.³⁰

the survey – this is the survey that was conducted via the YourSAy website.

Waste management hierarchy – this is a concept that is recognised internationally and provides an order of priority for the management of waste, focusing efforts on the highest level of the hierarchy, considering social, environmental and economic practicalities. The waste management hierarchy is a guiding principle in the *Green Industries SA Act 2004* and underpins South Australia’s *Waste Strategy 2020-2025*. The hierarchy is as follows (in descending order of priority):

- (a) avoidance of the production of waste;
- (b) minimisation of the production of waste;
- (c) reuse of waste;
- (d) recycling of waste;
- (e) recovery of energy or resources from waste;
- (f) treatment of waste to reduce potentially degrading impacts;
- (g) disposal of waste in an environmentally sound manner.³¹

W2R EPP – this is the *Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993*.

³⁰ The New South Wales Act is referred to in this context as the term “precautionary principle” is particularly relevant to a recommendation in this report that relates to this legislation.

³¹ See section 3A(2)(b) of the *Green Industries SA Act 2004*.

2 Effect on community of Part 2 of Act

2.1 Preliminary

The first term of reference for this review is to consider the effect on the community of Part 2 of the Act. This is the part of the Act under which the bans on single-use plastic products have been introduced.

2.2 Consultation on bans

Processes

The consultation, and related processes, undertaken in relation to each set of bans was extensive.

The following key documents were prepared in relation to the various sets of proposed bans:

- (1) 2019 Single-Use Plastics and the Container Deposit Scheme summary paper³²
- (2) 2019 Turning the tide on single-use plastics: Discussion paper³³
- (3) Consultation on the Waste Avoidance Act 2019: Summary of feedback and response³⁴
- (4) 2019 Turning the Tide on Single-use Plastics: Next Steps³⁵
- (5) 2021 Turning the Tide on Single-use Plastic³⁶
- (6) 2022 Single-use Plastics Consultation Summary Report³⁷
- (7) 2022 Turning the tide on single-use plastic products: Next steps 2022.³⁸

³²https://www.replacethewaste.sa.gov.au/documents/GISA_SUPP%20paper_Summary%20Paper.pdf?downloadable=1

³³ https://www.replacethewaste.sa.gov.au/documents/GISA_SUPP_Discussion%20Paper.pdf?downloadable=1

³⁴ <https://www.replacethewaste.sa.gov.au/documents/SUP-Summary%20of%20submissions-Government%20response.pdf?downloadable=1>

³⁵<https://www.replacethewaste.sa.gov.au/documents/SUPP%20Next%20Steps%20paper%20July%205%202019.pdf?downloadable=1>

³⁶ https://www.replacethewaste.sa.gov.au/GISA_SUPP%202021%20paper_WEB.pdf?downloadable=1

³⁷https://www.replacethewaste.sa.gov.au/GISA%20SUP%20Consultation%202022_Report_FINAL.pdf?downloadable=1

³⁸ https://www.replacethewaste.sa.gov.au/images-sup/resource-downloads/resource-downloads-2023/GISA_SUPP4%202022%20paper_final_web_single%20pages.pdf?downloadable=1

There is no doubt that the papers prepared in relation to each “round” of consultation, and the reports and summaries prepared after each of these rounds, were comprehensive. For example, advice provided by an industry participant indicated that it actively contributed to providing feedback and insights to the State Government during these consultation periods, including offering waste audit data to highlight problematic plastics that contributed to contamination in organics and recycling. Another submission noted that consultation on the proposed regulations was valuable and held well before the bans finally came into force.

In relation to the first set of bans introduced by regulation, consultation on the proposed bans commenced in November 2022 and ran until February 2023. The relevant regulations were then Gazetted in July 2023 for commencement on 1 September 2023. The list of items banned in 2023 were obviously already well-known, relatively straight-forward, and not extensive.

It was important to undertake extensive consultation in relation to each of the sets of bans that have been introduced by or under the Act, and the reviewer considers that this has occurred on each of the relevant occasions.

Outcomes

Exemptions introduced at the time of the commencement of the legislation were developed after consultation on the Bill and its implementation. This consultation was extensive and comprehensive.

The initial set of exemptions were relevant to the commencement of the bans that came into operation on 1 March 2021 and 1 March 2022.

The next set of bans was introduced by regulations that came into operation on 1 September 2023. It is noted that the consultation process led to a change to the commencement date of the relevant regulations from 1 March to 1 September 2023. This was based on a request by the business and industry sectors that the lead-up for the bans avoid the busy Christmas/New Year period and the lead-up to Easter. Furthermore, the reviewer is advised that both Western Australia and Queensland had announced bans to commence on 1 September and so South Australia harmonised with this date.

It is also noted that the consultation process led to an amendment to the draft definition of ***plastic-stemmed cotton bud*** so that this item does not include a product that has a tip or tips that are designed or intended to be detached from the stem and replaced. This is because some items are designed as reusable plastic items with replacement tips, which are, for example, used by responsible make-up artists.

An exemption was also included for entities that sell or supply plastic-stemmed cotton buds for medical, scientific, law enforcement or forensic purposes. The wording of the regulations was further amended to avoid any doubt that the exemption included a cotton bud used in a COVID-19 testing kit.

2.3 Acceptance by the public

It is clear that there is a strong level of support across the community for the bans that have been introduced, and less public support for exemptions. This was particularly evident in the responses to the discussion papers produced for the purposes of consultation on the bans that have been introduced under the Act since its commencement.

Furthermore, South Australia is recognised as taking the lead in recycling and banning plastic products and the reviewer believes that the legislation aligns with community expectations.

Support for the initiatives taken under the Act is based on an interest in such things as:

- Environmental benefits
- Dealing with problematic plastics
- Opportunities to make changes that benefit the community
- Meeting community expectations.

An example of the support for the Act is found in a submission received for the purposes of the review, where the following points were made (amongst others):

- (1) The current scheme appears to be working well from a consumer perspective. The phased-out bans have targeted widely-used plastics which are known for contributing significantly to litter as well as causing contamination issues in organics and recycling. By gradually rolling out bans in these areas, it has allowed both consumers and businesses to adjust to and adopt alternatives.
- (2) The bans align with the broader goal of environmental sustainability and waste reduction. There has been a noticeable decrease in the presence of single-use plastics in the retail and food service sectors. From a consumer's viewpoint, the transition has been relatively smooth, with only minor inconveniences in some cases.
- (3) The environmental benefits in reducing plastic waste, especially in terms of reducing landfill and pollution, have outweighed the inconveniences. As more people adjust, the market is likely to provide even better affordable alternatives and sustainable habits will become second nature.

Community support for the bans under Part 2 of the Act was also generally reflected in the responses in the survey. Indeed, several respondents said that the legislation must go "further and faster". Another respondent said that "systematically working through identifying and removing single use plastic products from use and forcing manufacturers to provide alternatives is working". Some respondents talked about the positive impact that the bans have had on their lives and the environment. Others said that they were already trying to avoid using plastic products. On the other hand, some respondents were not supportive, citing, for example, the need to use alternatives considered to be inferior in quality, or the disposal of alternatives to landfill. An even stronger criticism was made by one respondent, who believes that there has been an "unintended consequence" with the legislation as it has affected the mental health of

some people by requiring them “to face inadequate products which fail to do the same job as the plastic products they are replacing, resulting in frustration and stress”. Another respondent said that there needs to be better public infrastructure for receiving compostable or recyclable items and products.

Picking up on a different point, a submission noted that the introduction of the first set of bans was delayed until 1 March 2021 on account of the COVID-19 pandemic, and this was especially to allow for businesses to prepare for the transition from single-use straws to other alternatives. This delay was also important as it provided a better opportunity for members of the community to realise and understand what was happening, and assisted with ensuring that the changes associated with the availability and use of straws were able to be appropriately managed. Essentially, longer lead times worked well for everyone in this case.

Overall, there appears to be consensus from a community perspective that the long-term benefits to the environment resulting from bans under the Act outweigh any costs and/or the need to accept or use alternative items or products. As mentioned in a submission, members of the community are seeking further opportunities to use sustainable products and practices. There is certainly significant community concern about the amount of plastic in our society and the amount of plastic waste.

2.4 Issues for businesses

2.4.1 Preliminary

It is clear that business sectors within the State recognise the need to adopt a best practice approach when it comes to sustainability and to seeking better economic, social and environmental outcomes for South Australians.

Feedback provided by some groups, organisations or associations, and individual entities, within the business sector during consultation on the various sets of bans in 2021, 2022 and 2023 raised a variety of issues, including:

- National inconsistencies
- International alignment
- Impacts on the waste and resource recovery sector
- Implementing bans before suitable alternatives were available or proven
- Impacts on vulnerable members of the community

In addition, it is recognised that the introduction of bans can be challenging for businesses that are also dealing with other issues. Significant supply chain issues may emerge, especially if bans are not consistent across jurisdictions. It was said that businesses operating across many jurisdictions struggle to meet the unique requirements “mandated” by regulations in each State.

Furthermore, costs may be increasing on several fronts. Economic conditions are challenging, and greater challenges may exist for businesses in regional and remote areas. In some cases,

costs increased on account of the need to find or use suitable alternative products. On the other hand, a submission made the point that costs are likely to decrease over time as demand for sustainable products increases and on account of economies of scale.

From another perspective, the point was made in a submission that some businesses may not even be aware of the Act, while other businesses may consider that it is the responsibility of suppliers to let them know which products are suitable for sale in South Australia. However, another submission considered that businesses have appeared to have transitioned to using alternative items smoothly and seamlessly.

At the same time, community expectations need to be met and government policy needs to be developed and implemented. It was said that the rapid adoption of alternative products by the business community has been encouraging, and this should be recognised as part of this review.

2.4.2 Timing

It is recognised that timeframes are important. For example:

- (a) sustainable alternatives need to be found, and this may include the need to design and develop these alternatives; and
- (b) information needs to be provided to manufacturers, suppliers, trade partners and other businesses; and
- (c) banned items and their alternatives may have an impact on waste recovery and recycling.

These issues may be particularly challenging for small businesses, and a different set of challenges may exist for large or complex businesses.

It is clear that the earlier the notification of bans and exemptions, the more time that is available to representative associations and other industry-related bodies to assist members and other people involved in the implementation of any bans. As indicated by one submission, it is important that businesses are able to prepare for bans by using-up existing stocks of items that are going to be prohibited, ordering sustainable alternatives, putting appropriate signage and other advice and practices in place (as required), and training staff.

The reviewer believes that the lead-times for the 2021, 2022 and 2023 bans were reasonable (and it has already been noted in this report that additional lead-up timing was provided in 2023).

As said in a submission made for the purposes of the review, the staggered timelines across 2021, 2022 and 2023 allowed businesses to adjust their supply chains, find alternatives, and inform consumers about the changes.

The reviewer also accepts that the longer the period of notice, the better, especially for businesses, and that it is not only the length of the notice period that is important but also what happens between the time when the bans are published (by the making and publishing of

regulations under the Act) and the time that they commence, especially in relation to such things as the provision of advice, education, messaging and marketing and promotions.

2.4.3 Consumer expectations and ESG considerations

As indicated by a submission, business may be less prepared to take on additional obligations or costs if it affects their financial position, especially by increasing overheads beyond what customers are prepared to absorb in relation to the cost of goods and services.

It is also clear that many businesses are keen to support efforts to reduce the use of plastics where practicable and to support initiatives to achieve beneficial environmental outcomes. This is consistent with community expectations, as it is clearly the case that the vast majority of consumers expect businesses to be socially responsible and to be interested in protecting the environment. This includes the proper management of plastics, sustainable business practices, effective reuse and recycling, reducing waste, and adopting socially responsible practices.

Consistent with working within an appropriate environmental, social and governance (or “*ESG*”) framework, businesses are expected to act in a sustainable and ethical way.

An increased focus on these issues is inevitable.

2.5 Criteria

As set out in the Discussion Paper, consideration could be given to revamping the legislation so that greater guidance is given as to what can or should be banned in the future. So, for example, in New South Wales, the Minister must not recommend the making of a regulation to prescribe a prohibited plastic item unless the Minister forms the opinion that the item is: (a) unnecessary; or (b) for environmental, human health or economic reasons, including waste management or resource management, problematic. In forming this opinion, the Minister may consider the precautionary principle, and whether the plastic item:

- (a) can be eliminated or replaced by an item that is not a plastic item or by a reusable plastic item without causing harm or significant disruption to consumers; or
- (b) is difficult to collect or recover through kerbside or similar publicly accessible collection and recovery systems and services; or
- (c) is made from material that is difficult or costly to recycle through commercially available recycling technologies; or
- (d) hinders, disrupts or obstructs opportunities for other materials or resources to be recovered, collected or recycled; or
- (e) contributes significantly to litter; or
- (f) is made from material that may cause harm to human health or the environment; or

(g) contains additives that accelerate the breakdown of the item into particles.³⁹

In addition, in New Zealand it is necessary for the Minister to be satisfied (amongst other things) that the benefits expected from implementing a prohibition under a relevant regulation exceed the costs expected from implementing the regulation. A good understanding of the costs to businesses and the community more generally is very important, and this can be obtained by the preparation of regulatory impact statements. Appropriate consideration should be given to the costs of alternatives.

A response to the survey indicated that an option that should be considered is to provide financial support through providing bulk-purchasing initiatives at the commencement of a new set of bans.

The threat to the environment, especially as determined by scientific evidence, should be a major factor.⁴⁰ The cost of the impact on the environment of plastic items and products is also a fundamental factor.⁴¹

The introduction of specific criteria should assist in ensuring consistency and providing more transparency in decision-making. This initiative will also need to take into account agreements between Environment Ministers about consistencies across jurisdictions to the extent possible.

Recommendations:

(1) The Act should be amended so that a plastic item should not be banned by regulation except on the recommendation of the Minister. The Minister should not make a recommendation unless the Minister forms the opinion that the item is: (a) unnecessary; or (b) for environmental, human health or economic reasons, including waste management or resource management, problematic. In forming this opinion, the Minister may consider the precautionary principle, and whether the plastic item:

- (a) can be eliminated or replaced by an item that is not a plastic item or by a reusable plastic item without causing harm or significant disruption to consumers; or**
- (b) is difficult to collect or recover through kerbside or similar publicly accessible collection and recovery systems and services; or**
- (c) is made from material that is difficult or costly to recycle through commercially available recycling technologies; or**
- (d) hinders, disrupts or obstructs opportunities for other materials or resources to be recovered, collected or recycled; or**

³⁹ See *Plastic Reduction and Circular Economy Act 2021*, section 7(2) and (3).

⁴⁰ This is a point made in a response provided via the survey.

⁴¹ These are known as environmental externalities.

- (e) contributes significantly to litter; or**
- (f) is made from material that may cause harm to human health or the environment; or**
- (g) contains additives that accelerate the breakdown of the item into particles.**

This recommendation should be adopted subject to discussion with the other States and Territories with a view to achieving as much consistency as is reasonably possible in this area.

- (2) In promoting consistency in approach in relation to criteria, the State Government should also consider placing significant emphasis on: (a) the threat to the environment if action is not taken; and (b) the costs of alternatives to the community and businesses.**

2.6 Alternatives

The availability of alternative items and products to the plastic items and products that are being banned has been an important consideration since the legislation was being developed and during its implementation. In this regard, it has been most helpful that the public consultation materials prepared by GISA in relation to the years under review included lists of possible alternatives.

However, even with the dissemination of information, some submissions indicated that gaining access to alternatives in some cases may be challenging. Supply-chain issues need to be taken into account, as does the availability of stock. The significance of this issue may depend on particular circumstances as other submissions indicated that alternatives have been readily available.

The development of new alternatives may also lead to increased costs in some cases. For example, more than one submission said that the cost of compostable bags to replace plastic barrier bags for fruit, vegetables and deli products was several times more expensive per unit than the cost of their plastic counterparts.⁴² A particular alternative may not be well received by some consumers.

Some alternatives may give rise to their own problems and issues, including in relation to functionality and safety.

It was noted in more than one submission that it is important to ensure that substitute products are reusable, recyclable or compostable. The point was also made that some fibre-based

⁴² In this regard, the reviewer appreciates that this particular issue relates to a ban introduced in 2024 (being a ban outside the periods that are specifically under review under this Part of this report), but it is an example of a case where increased costs have been considered to be an issue. Furthermore, a reference to the cost of an item probably does not take into account environmental externalities, which are negative consequences of human activity on the environment.

formats adopted to replace plastic are likely to be problematic in conventional household and commercial recycling streams as these items or products may contain laminates and multi-materials that are essentially contaminants in recycled fibre streams, and if they “mimic” plastic packaging qualities they can confuse mechanical sorting techniques in material recovery facilities resulting in contamination of rigid plastic recovery streams.

It is also recognised that, at least to some extent, replacing single-use plastics with single-use alternatives may not change consumer behaviour in relation to a throw-away mindset. It is therefore important to aim to find or promote alternatives that are reusable, recyclable or compostable.

Furthermore, as indicated in a submission, there appears to be a gap in educating the community about the composition and correct disposal of replacement products. While people may know what has been banned, they may be unclear about how to properly manage the alternatives.

A number of responses to the survey talked about negative issues associated with alternatives, especially in relation to the availability and use of straws, and the move to such things as bamboo cutlery in various settings and circumstances. There was significant criticism about the quality of some alternatives.

It is recognised that the scope of the Act would be broadened if alternatives that are not plastic were to be able to be controlled under this legislation.

Recommendations:

- (1) The publicity associated with a new set of bans should include information about the alternatives that are expected to be provided for the items or products that are being banned, including about the composition and correct disposal of these alternatives.**
- (2) The Act should be amended so that it is possible to ban an item that:**
 - (a) is considered by the Minister to be an item that corresponds to a single-use plastic item that is banned under the Act taking into account its intended purpose or the purpose for which it is ordinarily used; and**
 - (b) is a single-use item; and**
 - (c) is not compostable, recyclable or reusable taking into account: (i) standards prescribed by the regulations; and (ii) other factors considered relevant by the Minister.**
- (3) Paragraph (a) of the objects of the Act should be amended to refer to the ability to provide for the restriction or prohibition of certain single-use items that are not plastic.**

The bans referred to in Recommendation (2) would be introduced by regulations made on the recommendation of the Minister.

2.7 Local government

Local government councils, associations and subsidiaries (including regional subsidiaries) play a critical role in the management of waste, the protection of the environment, and the education of members of their communities about the operation and impact of legislation at their local level.

Submissions made by individual councils have supported the conclusion that local government has made a significant contribution to the success of the legislation, especially by working with local businesses, amplifying messaging to the community through the *Replace the Waste* campaign, and providing other advice and education to assist their residents and ratepayers.

Another important factor has been the extent to which councils use single-use plastic items in a variety of settings. As reported by the LGA in its submission, the LGA proactively engaged with member councils to ensure that they understood their roles and responsibilities under the Act and how to continue their core business activities impacted by changes introduced by or under the Act. This engagement included providing information about the exemptions that were put in place in conjunction with the bans. A particular focus in connection with the first set of bans involved assisting councils with managing the introduction of the ban relating to single-use plastic straws and encouraging councils to consider the following:

- disability access and inclusion plans
- health policies
- environmental and sustainability policies
- waste management policies
- climate change policies
- staff capacity/requirements.

This was a positive contribution to achieving the successful implementation of the banning of single-use plastic straws (subject to the regulatory exemptions).

2.8 Related issues and conclusions

In connection with the introduction and application of exemptions, a submission has noted that some supply challenges have emerged in relation to medical exemptions. This is because suppliers may not supply an item because it is no longer financially viable to do so or because the supplier considers that a particular product can no longer be sold in South Australia. This may be an emerging issue.

The reviewer considers that, from an overall perspective, the prohibitions have contributed to the objectives of the circular economy in South Australia and supporting the application of the waste management hierarchy. However, it is also recognised, as pointed out in a submission made for the purposes of the review, that there are situations where plastic products have

greater circularity than alternatives and perform better in terms of social, economic and environmental outcomes.

Overall, it appears that the bans under the Act have been supported by the community and that the introduction of each set of bans, including by the removal of exemptions, has gone relatively smoothly. It is also recognised that the “staging” of bans has worked well.

From another important perspective, a submission made by a local government council has advised that a kerbside audit conducted in May 2024 has demonstrated that the bans are working, with prohibited products largely eliminated from community use. This may be “coupled” with an increase in paper bags and compostable packaging.

An entity that is well placed to assess the success of the Act is the EPA and, in its submission, the EPA has indicated that it considers that the Act has been successful in reducing the sale and supply of prohibited items and, in turn, increasing awareness amongst the community and business sector of the negative impacts unnecessary plastics have had on the South Australian environment.

It is accepted that there will always be some confusion associated with the introduction of a new set of rules (or bans), and that some businesses and other persons will leave things to “the last minute”. However, such issues have not been critical and the reviewer’s conclusion is that Part 2 of the Act is working well and achieving what it was intended to achieve.

3 Effect on community of Part 3 of Act

3.1 Oxo-degradable plastic products

Oxo-degradable plastic is defined by the Act as being a material made of plastic which includes additives to allow the product to break down quicker than a standard plastic product would. The definition refers to this breakdown being triggered by ultraviolet radiation or heat exposure, and provides that this is, or may be, (but does not necessarily need to be) followed by partial or complete breakdown of the material by microbial action.

These products are considered to be a major threat to the environment and nature. Furthermore, as stated in a submission made for the purposes of the review, not only is this type of plastic a major contributor to microplastic pollution, but products using this type of plastic are not suited to long-term use, recycling at scale or composting, and therefore cannot contribute to a circular economy.

3.2 Responses

Responses and submissions that made reference to this ban expressed strong support for its implementation and enforcement. The EPA reports that Part 3 of the Act has had success in removing labelled oxo-degradable plastic products from the South Australian market.

As indicated by one submission, the banning of oxo-degradable plastic products aligns with global best practice and helps to reduce plastic pollution. It was also noted that the transition away from oxo-degradable plastics supports the broader goal of reducing landfill waste and encouraging resource recovery. This is all part of introducing and promoting initiatives that support increased movement towards a circular economy.

It has also been noted in submissions that the banning of oxo-degradable bags has made a significant difference to local government councils transitioning to compostable alternatives. A submission noted that greater transparency and progressing the removal of potentially misleading information is an important focus for government regulation, and that it is considered that this has been a positive reform that has increased community awareness of what is genuinely compostable and what is not. As indicated in the LGA's submission, communication with the community in relation to this product ban provided councils with another opportunity to focus education on certified compostable products and how they should be correctly disposed.

However, a note of caution was also sounded in a response provided via the survey, which expressed a concern that some non-compliant products may still be available in the market, potentially due to a lack of understanding from the general public and some businesses as to what is degradable, biodegradable or compostable. The response went on to say that the adoption of Australian Standards AS 4736 - 2006 and AS 5810 - 2010 does not entirely remove the ability for microplastics to enter the environment. This recognises that with some items a degree of plastic may remain after processing, even if it is only a minute amount.

3.3 Administration

Advice from the EPA indicates that the regulatory assessment of potentially oxo-degradable material is complex and difficult. The advice also notes that the current definition of “oxo-degradable plastic” has inadvertently narrowed the fragmentable plastics the EPA can prohibit under Part 3 of the Act, and Part 5.4 of this report discusses the definition and suggestions for change.

The EPA’s submission provides an excellent insight into some key issues associated with Part 3 of the Act. It makes the following points:

1. The wording of the current definition requires the EPA to:
 - know that the plastic has an additive within it,
 - then determine that the additive is for the purpose of fragmentation,
 - then determined that the fragmentation is triggered by ultraviolet radiation or heat exposure.
2. There is no practical manner to test material in this way – testing does not provide a definitive understanding of the purpose of additives within the plastic.
3. If a product is suspected to be oxo-degradable, an authorised officer must seek a list of its ingredients. This is an onerous task made more difficult by the complex nature of product supply, especially if the manufacturer is overseas.
4. A positive impact has been to address the greenwashing aspect of promoting oxo-degradable plastics. These products were introduced into the market as a positive alternative for the environment due to them breaking down in the natural environment more quickly than standard plastics. However, this thinking is now redundant with the knowledge that of microplastics that we now have and due to their ongoing negative impact on the environment.
5. Since the commencement of Part 3 of the Act, compliance and regulatory effort focussing on labelled oxo-degradable products has been successful in removing such products from the South Australian market and removing their promotion as a positive environmental decision.
6. To complement the regulatory focus on labelled products, it is understood that oxo-degradable materials are more expensive to produce than “standard” plastic due to their more complex manufacturing.

3.4 Conclusion

The reviewer considers that Part 3 of the Act has had a positive effect.

It is clear that oxo-degradable plastic products should be banned in South Australia and that there is wide community support for doing this. There do not appear to have been any negative outcomes from this initiative and the ban on these products has resulted in improved outcomes

not only for waste management and disposal but also for the environment, and this has been important.

While the definition of “oxo-degradable plastic” needs to be revised, overall Part 3 of the Act has been successful in achieving its clear goals.

4 Publicity campaigns

4.1 Preliminary

One of the terms of reference for this review is to report on the public information campaigns conducted by or on behalf of the South Australian Government on reducing the use of plastic products and increasing the recycling of plastics.

There are several elements to the publicity campaigns that have been employed by the State Government since the commencement of the Act.

It is also important to note that several submissions referred to the work being undertaken by local government councils and authorities to inform the public and local businesses about the bans, the use of alternatives, and waste management, via such things as social media, business email networks, local newspapers, static displays, presentations and face-to-face communications.

It is also noted that feedback expressed appreciation with the GISA's timeliness in providing responses to questions and requests for information, and with the level of information and input that has been provided.

4.2 Specific campaigns and initiatives

Adelaide Festival campaign

The first major campaign associated with the Act was conducted as part of the 2021 Adelaide Festival to raise awareness about the first round of bans that were introduced during that year.

A key initiative in this campaign was to host *The Plastic Bag Store*, which was based on using materials to tell stories about environmental responsibility and to make a significant contribution to a better future for generations to come. Essentially, *The Plastic Bag Store* was artwork which recreated a supermarket where thousands of plastic bags were collected to make everyday products. In the store, shelves were stocked with hand-made items (using plastic bags and packaging), from cartons to ice-cream and whole rotisserie chickens to deli items, mixed salads, fruit, vegies and cleaning supplies. The supermarket explored our culture of spending money and convenience, and what the lasting effects of single-use plastics are on the environment. The work was intended to ask people to think not just about the next two weeks but the next two decades and the next two centuries.

The aim was to promote sustainability as a key focus in everything we do. It also promoted the Festival's sustainability measures, including an emphasis on saying "No" to single-use plastics by patrons at the Festival by encouraging them to bring their own containers, using the "three bin" system in Festival venues, and encouraging people to recycle the Adelaide Festival Guide when it was no longer required.

Promotional material also made reference to the first set of bans introduced in South Australia under the Act, and to the scope of the 2022 bans.

The campaign also promoted the Replace the Waste website, which was already an important feature of promotional strategies relating to the introduction of the Act by the time that the first set of bans came into operation.

A related initiative was to develop and distribute a learning asset for teachers and students who attended *The Plastic Bag Store*. The materials included information, statistics and other data about plastics and their disposal to waste or as litter. They linked up with *The Plastic Bag Store* by prompting students to answer questions about the impact of plastics and the Government's program under the legislation to reduce the prevalence of single-use plastics in our community. The materials also included useful information about alternatives to the items being banned and some challenges relating to the reduction of waste and the promotion of recycling.

Another related initiative involved GISA supporting an art competition.

Overall, the campaign was a key initiative to promote the rolling-out of the first set of bans and improved practices relating to waste and litter reduction. It was interesting and included several features that were engaging and informative, especially for children and young people.

Outdoor advertising and street furniture

Another initiative focused on the use of outdoor advertising and street furniture in Rundle Mall, Adelaide, to promote the introduction of various bans and the Replace the Waste website. The use of these items was strategic and appear to have been an effective way to advance the objects of the Act through public awareness.

Replace the Waste website and related social media pages

GISA has set up a dedicated website, *Replace the Waste*⁴³, as a key component for promoting the objects of the Act and especially about providing information and advice about the bans that apply in South Australia. Specific parts of the website include:

- Legislation explained
- Resources
- Guide to 2024 and 2025 bans
- Banned items
- Alternatives
- Exemptions
- Business and industry support

⁴³ <https://www.replacethewaste.sa.gov.au>.

The reviewer is advised that the email news list has more than 1,800 subscribers and that there have been more than 46,000 website visits, with more than 70,000 unique sessions since December 2020. In addition, 75% of all visits are from mobile telephones, which was anticipated and supported by ensuring, in its development, that there was a mobile-friendly, mobile-first approach to digital publishing and communication. The website and associated documents are also available in seven languages other than English.

An important part of a website of this kind is the advice, information and educational resources that are available to the public, businesses and industry, local government councils and related authorities, and other interested persons and bodies. The reviewer considers that this website is an excellent resource, and this has been confirmed by several submissions made for the purposes of the review. For example, it has been indicated that the website is easy to use and has become the main point of reference rather than the Act. Another submission referred to the fact that the website has been widely promoted amongst local government councils and has been of great assistance to council staff (including customer service staff) in responding to community and other inquiries. Another person said that they use the website regularly for updates and clarification on what is actually banned in South Australia. However, some responses in the survey indicated that people were not aware of the website and other responses believed that the information on the website was inadequate, especially in relation to recycling and the use of alternatives.

Plastic Free SA program

Another important initiative is the *Plastic Free SA program*⁴⁴, which enables impacted food outlet businesses to access a free “hands on” consultation with the staff from Boomerang Alliance under the “Plastic Free Places” banner. The *Plastics Free SA program* is funded by the State Government, with the aim being to assist businesses seeking to reduce their reliance on single-use plastic items and materials in their daily operations. An additional facility found on the website for this program provides very helpful information, set out in a “Guide Library”, about the bans that are in place, alternatives that can be used, and ways to reduce the use of plastics in businesses. It was also noted in a submission that these programs provide a more holistic view of practices and processes to reduce waste generation and promote maximising resource recovery.

Printed materials

Reference has also been made to information provided by GISA in the form of postcards, posters and other printed collateral which were widely distributed by local government councils, including by placing them in Service Centres and making them available at waste education sessions and seminars.

GISA also has sets of printable signage available for events.⁴⁵

⁴⁴ See <https://www.plasticfreesa.org>.

⁴⁵ See www.replacethewaste.sa.gov.au/zerowasteguide.

Printed and other materials in several languages

GISA has been very much aware of the need to provide or publish relevant information about the bans under the Act, and its initiatives to tackle plastic waste, in several languages. As noted above, GISA publishes information on the *Replace the Waste* website in seven different languages other than English (being languages identified as being the most common languages used in South Australia other than English), and this has been in place since 2022. Other communication assets and strategies continue to be provided in a variety of languages, with particular reference to cultural diversity in retailers and hospitality business owners and operators in South Australia. So, for example, GISA has worked with the City of Adelaide to develop and publish information in Mandarin for the bans in 2023, 2024 and 2025.

Targeted information

The degree of publicity associated with the introduction and operation of bans under the Act will obviously depend on the degree of impact of the relevant bans. It is the reviewer's understanding that the approach that has been adopted is similar to what would be done in connection with the evolution of a brand. The point was made that 6 months before the introduction of a particular set of bans, interest will be relatively low. However, if the period is 6 weeks before something is due to occur, it is expected that there will be a significant degree of attention in what is happening.

The advice received by the reviewer indicates that a significant part of relevant publicity and information campaigns have focused on the manufacturers and importers of relevant products and materials, and businesses impacted by the bans. It might be said that these are the people whose "behaviour" must change the most. Essentially, the amount of "interest" in a particular item or product, or the degree of impact on a particular group, will determine the amount of information or publicity directed at members of that group.

In some cases, it may be possible to aim to contact all affected persons or businesses. So, for example, the reviewer is advised that GISA sought to make direct contact with the owners or operators of all pizza businesses in the State when the bans on pizza savers were being introduced in 2023 to provide information about the up-coming bans and the use and availability of alternatives. As to the provision of information to the general public, this was not really necessary as there was no change in outcome from their perspective.

As said in one submission, experience has shown that extensive personal engagement is best. This relates both to businesses and to members of the public.

There is no such thing as too much information in this area, and there is always room for improvement when it comes to the management of waste, including through recycling or composting, and to the protection of the environment. The provision of information is an important part of this.

Promotion of Act and its objects

The term of reference relevant to this part of the discussion includes an element about increasing the recycling of plastics. It appears from some of the submissions that more could be

done to promote an understanding of what can be recycled, the proper disposal of compostable items and materials, and the proper disposal of plastic items via kerb-side bins. Feedback received as part of the review has noted contamination of the co-mingled recycling and green organic streams remains an issue and that education is critical to improving outcomes in this important area, with plastics continuing to make up a significant part of the material that is collected through kerbside bin collection. As indicated in a submission, there is still some lack of understanding in the community about the impact that the materials and products they consume have on the economy and the environment. The community needs ongoing support to recognise the value of materials they consume and how minimisation, avoidance and activities that maximise resource efficiency are necessary for South Australia to achieve its net zero target in the coming years.

In addition, as said in a submission, repetition of key messages is essential to increase the use of such things as the green organics bin.

Feedback received during the review also indicated that more could be done to ensure that stakeholders are well-informed about issues associated with the legislation and its objectives. It has also been noted that there are relatively few posts or followers on the *Replace the Waste* Facebook and Instagram pages. A submission considered that in some cases the degree of communication with affected parties appeared to be inadequate, with some local businesses stating that they had not been made aware of bans in a timely manner.

Significant outcomes can be achieved by continuing to promote the *Replace the Waste* website and *Which Bin SA*. Based on submissions made for the purposes of the review, additional community education about which bin to use would also appear to be worthwhile. A submission also made the point that as consumers are becoming used to separating waste streams at home, they are now increasingly expecting options for separate waste streams to be available when they are out at different places. It appears that consumers are not doing as well in separating waste when they are in public places or areas (assuming that they have a choice of bins).

The Act as it currently stands is essentially limited to the introduction and enforcement of the bans that are described in this report. However, the objects of the Act have a wider focus, and include the promotion and support of better waste management practices, the waste management hierarchy and the circular economy. As proposed during the review, there is now the opportunity to evolve the *Replace the Waste* campaign further to support businesses to make system changes that focus on waste avoidance and correct disposal of materials.

Related strategy

One suggestion that was made was that providing key organisations, associations and companies with detailed communication plans and timelines ahead of the commencement of any advertising or publicity campaign would assist with the effectiveness of the campaign, especially in relation to informing local businesses and communities about the matters that are the subject of the campaign.

4.3 Conclusions

Overall, the reviewer considers that the publicity campaigns associated with the introduction of the bans under the Act have been extensive and effective. However, it would appear to be important for new or additional campaigns to be undertaken to promote a variety of initiatives and other matters that are relevant to the objects and operation of the Act, especially in relation to waste management and recycling. As indicated in a submission, incorrect disposal practices remain a significant barrier to achieving the “circularity” objective of the Act. A key part of this relates to the proper disposal of plastics and, in connection with the bans under the Act, alternatives to plastic items and products.

In considering these matters, the reviewer considers that it is also helpful to consider some points made in UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability*. In particular, the following advice is found in this document:

Social awareness and education are essential to shape and encourage changes in consumer behaviour, but a gradual, transformational process is necessary. A longstanding change in cultural attitudes towards environmental matters is often not attainable through brief or stand-alone awareness campaigns...Public awareness strategies can include a wide range of activities designed to persuade and educate. These strategies may focus not only on the reuse and recycling of resources, but also on encouraging responsible use and minimization of waste generation and litter.⁴⁶

Recommendations:

- (1) New or additional strategies should be adopted by the State Government to promote the *Replace the Waste* website and *Which Bin SA*, including with a wider focus on waste avoidance and the correct disposal of materials.**
- (2) The State Government should undertake regular campaigns in a variety of forms to promote which bin should be used for a particular item or product. This would be consistent with supporting an ever-increasing emphasis of the circular economy, add to the effectiveness of kerb-side collection, and provide for better outcomes when waste is being disposed of in public places. The public also needs practical guidance on what alternatives to plastics to use and how to dispose of them properly.**
- (3) Further steps should be taken to encourage businesses and the managers of public areas to provide a variety of bins, and to use more signage about which bin to use. Advice and assistance should be provided to ensure that the signage is clear and consistent.**
- (4) In relation to future bans, the State Government should conduct public and business forums, and plan and deliver webinars, that assist with information dissemination and education.**

⁴⁶⁴⁶ UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability* at page 19.

- (5) Any new sets of bans should be accompanied by a comprehensive stakeholder mapping and engagement process, outlined during the public consultation phase and then implemented after the bans are announced and before they come into operation, to ensure that all impacted parties are informed about the proposed changes and have adequate time to prepare for compliance.**

5 Definitions

5.1 Preliminary

The terms of reference for this review include considering opportunities to update some definitions used in the Act to better reflect improved technology and to seek harmonisation across Australian jurisdictions. As also indicated in a submission, clearer definitions simplify enforcement efforts, ensure that products are correctly classified and ensure that people cannot exploit vague terminology to bypass regulation.

As already noted, the South Australian Act was the first of its kind in Australia. Accordingly, since its passage through Parliament in 2020, other jurisdictions have enacted corresponding legislation which has included their own definitions. Corresponding legislation has, in some cases, provided preferable definitions as each jurisdiction builds on the measures that have been developed and enacted over time.

A significant issue throughout the consideration of bans, and in connection with this review, has been the issue of harmonisation. This review provides an opportunity to contribute to the consideration of consistent terms in corresponding legislation across all Australian jurisdictions. There is also the opportunity for this work to connect up with work being undertaken by the Environment Ministers Meeting (the *EMM*) and the Heads of Environmental Protection Agencies (*HEPA*).

5.2 Definition of plastic

The definition of *plastic* in the Act is as follows: *plastic* means a material made from, or comprising, organic polymers, whether plant extracts or of fossil fuel origin.

The following sets out the approach adopted by the corresponding laws of other jurisdictions:

ACT:

plastic means material made from, or containing, organic polymers from plant extracts or fossil fuels.⁴⁷

NSW:

plastic means the following, but does not include an item excluded by the regulations –

- (a) material made from or comprising organic polymers from plant extracts or fossil fuels, whether the material is processed, reprocessed, re-used, recycled or recovered;
- (b) material prescribed by the regulations.⁴⁸

⁴⁷ See the *Circular Economy Act 2023* (ACT).

Queensland:

There is no definition of **plastic** under the corresponding law.⁴⁹

Victoria:

There is no definition of **plastic** under the corresponding law.⁵⁰

Western Australia:

plastic –

- (a) means a material consisting of a polymer, to which additives or other substances may have been added, which can function as a main structural component of final products; and
- (b) includes expanded plastics; but
- (c) does not include a material consisting of natural polymers that have not been chemically modified.⁵¹

As noted in the Discussion Paper, the definition of **plastic** should reflect the most appropriate meaning of the term, and may include other features (for example, by referring to additional materials that are appropriately brought within the meaning of the term for the purposes of the Act, if this is helpful from a technical or drafting perspective).

In considering the most appropriate meaning of a term, it may be helpful to consider a dictionary definition (although this is not always the case), and definitions from recognised national, international, or expert organisations are particularly relevant.

The United Nations Environment Project (UNEP) *Chemicals in Plastics – Technical Report* (UNEP 2023) Geneva provides a definition of “plastics” as follows:

Plastics are solid materials that contain as an essential ingredient one or more high-molecular-mass polymers, and which are formed (shaped) by heat and/or pressure during either the manufacturing of the polymer or the fabrication of a finished product (MARPOL 2011). Plastics have material properties ranging from hard and brittle to soft and elastic.⁵²

⁴⁸ See the *Plastic Reduction and Circular Economy Act 2021* (NSW).

⁴⁹ The corresponding law is the *Waste Reduction and Recycling Act 2011* (Qld).

⁵⁰ The corresponding law is effectively the *Environment Protection Regulations 2021* (Victoria).

⁵¹ See the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* (WA).

⁵² <https://www.unep.org/resources/report/chemicals-plastics-technical-report>.

This is consistent with what would appear to be the “ordinary” meaning of plastic, which is a synthetic material made from a range of polymers that can be moulded into shape while soft, and then set into a rigid or slightly elastic form.⁵³

It is also noted that polymers are long chains of molecules that are formed by the chemical treatment of the initial components used to make plastic. It is the essential element of all plastics.

As mentioned in the Discussion Paper, it would therefore appear that:

- (a) it is not technically necessary (and may in fact be limiting) to refer to “organic polymers, whether plant extracts or of fossil fuel origin”, as provided by the South Australian definition; and
- (b) paragraph (a) of the Western Australian definition is much closer to the United Nations definition.

There was support for this point of view as part of feedback on the Discussion Paper, and general support for adopting the Western Australian definition. An alternative approach would be to adopt the UNEP definition.

As stated in the Discussion Paper, adopting a definition that is already used in another Australian jurisdiction would also be a step towards greater harmonisation of relevant legislation. While not included as a specific recommendation, if other jurisdictions were not supportive of the adoption of this definition across Australia, consideration could be given to all jurisdictions adopting the UNEP definition.

Recommendation:

The definition of *plastic* in the Act should be replaced with the definition used in corresponding legislation in Western Australia, being that *plastic*:

- (a) means a material consisting of a polymer, to which additives or other substances may have been added, which can function as a main structural component of final products; and**
- (b) includes expanded plastics; but**
- (c) does not include a material consisting of natural polymers that have not been chemically modified.**

5.3 Definition of single-use

The definition of *single-use* in the Act is as follows: *single-use*, in relation to a product, means a product designed or intended to be used once or for a limited number of times before being disposed of.

⁵³ This is essentially a dictionary definition.

The following sets out the approach adopted by the corresponding laws of other jurisdictions:

ACT:

- (1) A single-use product means a product designed or intended to be used only once.
- (2) Subsection (1) applies even if a single-use product is able to be re-used.
- (3) For subsection (1), ***used only once*** includes multiple purposes within the 1 use.⁵⁴

NSW:

single-use, in relation to an item—

- (a) means an item designed or intended to be, or ordinarily, used only once for a particular purpose, whether or not the item is or can be –
 - (i) re-used for the same or another purpose; or
 - (ii) used for more than 1 purpose; or
 - (iii) recycled; and
- (b) includes an item prescribed by the regulations, but does not include an item excluded by the regulations.⁵⁵

Queensland:

single-use plastic item means a plastic item, other than a plastic item that is compostable, designed to be used only once.⁵⁶

Victoria:

Victoria adopts a different approach. Essentially, their legislation bans all plastic items, other than items that are reusable, or are exempt under the legislation.⁵⁷

Western Australia:

Western Australia uses the following corresponding term:

disposable plastic item means an item made wholly or partly out of plastic if –

- (a) the item is designed to be disposed of after a single use or several uses; or
- (b) includes expanded plastics; but

⁵⁴ See the *Circular Economy Act 2023* (ACT), section 14.

⁵⁵ See the *Plastic Reduction and Circular Economy Act 2021* (NSW).

⁵⁶ See the *Waste Reduction and Recycling Act 2011* (Qld), section 99GB.

⁵⁷ See the *Environment Protection Regulations 2021* (Victoria), regulation 134B.

- (c) the design and construction of the item is not sufficiently durable to enable the item to be kept and reused on an ongoing basis.⁵⁸

As stated in the Discussion Paper, in considering the South Australian definition, there is the possibility that a person might argue that a particular product is intended to be used many times before being disposed of, rather than once or for a “limited number of times”. To put it another way, the question could be asked “how many times is a limited number of times?”. The question of intent may also be difficult to assess in certain cases. This could be particularly relevant if it is alleged in any proceedings that a person has acted in breach of the Act in relation to the sale, distribution or supply of a particular product.

As stated in a submission, the strength of the South Australian definition is its simplicity, making it easy to understand. However, it fails to cover products that may technically be reusable or recyclable but are usually treated as single-use.

The EPA has also provided advice in this matter, noting that the legislation has resulted in authorised officers needing to make assessments and form opinions regarding single-use plastic products on a case-by-case basis to determine if a product has been designed to be used once or for a limited number of times. It requires a similar case-by-case assessment of the intent of the use of the product. The advice is that both factors are difficult to do in a way that is quantifiable, repeatable and provides a consistent outcome.

Similar issues exist with the comparable Australian Capital Territory and Western Australian definitions. The Queensland definition refers to an item designed to be used only once, which may be too limiting.

The aim is to achieve the greatest level of certainty as to the meaning and effect of the relevant term. On this basis, the New South Wales definition, especially paragraph (a), would appear to provide the best option. This is because it will also apply to an item (or “product”) that is ordinarily used only once for a particular purpose, whether or not the item can be re-used or recycled. This allows a regulator to look at the impact or effect of a particular product, and the approach does not require the consideration of design or intention. As was said in a submission, the New South Wales definition prevents businesses from labelling products as “reusable” while still contributing to waste. That submission then made the point that switching to the New South Wales definition would give South Australia a “stronger framework for regulating single-use plastics, ensuring that products are regulated according to how they’re actually used, not just how they’re marketed”.

There was wide support for adopting the New South Wales definition. However, in this regard, the point was made in a submission that the definition of single-use plastic should exclude those packaging items which have a circular end-of-life solution. This issue should be considered in connection with the introduction of further bans or exemptions but the need to promote a consistent definition across jurisdictions is particularly important.

⁵⁸ See the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* (WA), regulation 3.

Recommendation:

The definition of *single-use* in the Act should be replaced with the definition used in corresponding legislation in New South Wales, being that *single-use*, in relation to an item:

- (a) means an item designed or intended to be, or ordinarily, used only once for a particular purpose, whether or not the item is or can be –
 - (i) re-used for the same or another purpose; or
 - (ii) used for more than 1 purpose; or
 - (iii) recycled; and
- (b) includes an item prescribed by the regulations, but does not include an item excluded by the regulations.

5.4 Definition of oxo-degradable plastic

The definition of *oxo-degradable plastic* in the Act refers to material made from plastic “which includes additives to accelerate the fragmentation of the material into smaller pieces, triggered by ultraviolet radiation or heat exposure”.

The following points were made in the Discussion Paper:

- i. The definition does not include fragmentation due to landfill degradation.
- ii. It may be difficult to ascertain the exact ingredients of a particular product that is found in the community.
- iii. It may be difficult to assess whether an additive is for the purpose of accelerating the fragmentation of the material into smaller pieces.

As also indicated in Part 3.3 of this report, the current definition also creates practical problems for the EPA and inadvertently narrows the fragmentable plastics that can be captured.

A comparable definition is the definition of “degradable plastic” in the Western Australian corresponding law, which is as follows:

degradable plastic –

- (a) means plastic that contains an additive designed to accelerate fragmentation of the plastic into smaller pieces under certain conditions, including exposure to light, bacteria or heat; but
- (b) does not include biodegradable plastic.⁵⁹

⁵⁹ See the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* (WA), regulation 3.

This is considered that this is a better alternative to the South Australian definition, although if a similar definition were to be considered, it would be necessary to ensure that compostable polymers made from plant materials were not captured by the prohibitions under Part 3 of the Act. Furthermore, in connection with this point, a submission indicated that the use of the term “biodegradable plastic” should be avoided, as it is frequently associated with compostable alternatives. Advice provided in relation to this issue is that the use of the term “biodegradable plastic” for marketing purposes is banned in some other places, and this would appear to be worth considering as a policy initiative by the South Australian Government. However, this should only be pursued in consultation with other Australian jurisdictions.

Recommendations:

- (1) The definition of *oxo-degradable plastic* in the Act should be replaced with a definition based on the corresponding legislation in Western Australia, being *degradable plastic*, which is defined in the following terms:**
 - (a) means plastic that contains an additive designed to accelerate fragmentation of the plastic into smaller pieces under certain conditions, including exposure to light, bacteria or heat; but**
 - (b) does not include biodegradable plastic *or* compostable plastic.**
- (2) The use of the term “biodegradable plastic” in the definition referred to above should be reviewed with a view to using “compostable plastic” instead. Any compostable plastic excluded under this definition should meet prescribed Australian Standards. Furthermore, consideration should be given to banning the use of the term “biodegradable plastic” in connection with the labelling or marketing of materials and products. These matters should be raised with other jurisdictions with a view to achieving a consistent approach across Australia.**

6 Harmonisation of prohibited products

6.1 Preliminary

The terms of reference for this review include reviewing other jurisdictions' single-use plastic legislation and considering opportunities to harmonise the list of plastic prohibited products in South Australia with those already implemented or planning to be implemented in other Australian jurisdictions and New Zealand.

There are obvious benefits in seeking to harmonise this type of legislation insofar as may be reasonably appropriate and practicable. Greater consistency across jurisdictions has obvious benefits for industries and businesses that operate across two or more States or Territories, or in both Australia and New Zealand, and assists in avoiding confusion for people who work or travel in a variety of places. The *National Plastics Plan 2021* also states that the Australian Government will work with States and Territories to align bans on “problematic” single-use plastics where practicable.⁶⁰ Submissions referred to challenges created for businesses because of regulatory inconsistencies and inefficiencies across jurisdictions, reduced capacity to invest in research and development for sustainable alternatives, and extra compliance burdens.

From another perspective, the consideration of corresponding legislation in other places can result in improvements when comparisons are drawn between different approaches or initiatives. This may become a “building blocks” approach to reform.

The EPA also notes the consistency in prohibitions assists regulators to work with inter-jurisdictional peers in that information can be shared and advice sought in relation to products and suppliers, particularly those that do not prioritise compliance.

At the same time, the adoption of a national or standard approach may not always lead to the best outcome from the point of view of a particular jurisdiction. Different jurisdictions may have different priorities or interests, a State or Territory Government may be seeking to implement its own proposals or policies in line with community expectations, in response to local representations or to fulfil particular commitments, and working across jurisdictions may lead to delay or suboptimal outcomes in a particular case. The key is to get the right balance, recognising that South Australia has often led the way when it comes to recycling, waste-reduction and environment protection. As said in a submission, there is support for South Australia to maintain its leadership position and momentum.

Furthermore, the fact that a particular jurisdiction has not yet banned an item should not be a reason for South Australia to remove a ban.⁶¹

⁶⁰ See *National Plastics Plan 2021*, Australian Government, Department of Agriculture, Water and the Environment, available at <https://www.dcceew.gov.au/environment/protection/waste/plastics-and-packaging/national-plastics-plan> at page 5.

⁶¹ A ban might be adjusted (presumably by an exemption) if the ban was seen not to be working as intended, or to have caused particular problems.

6.2 Bans

South Australia has clearly led the way as far as the number of different types of items and products that have been designated (by the Act or the regulations) as being prohibited plastic products. The 2024 bans are now in place and 2025 bans are already known.

There are some items that are not banned, or are not to be banned in 2024 or 2025, in South Australia that are banned, or to be banned, in other jurisdictions. These include the following:

- (1) Plastic microbeads in rinse-off care or cleaning products are banned in the Australian Capital Territory, New South Wales, Queensland and Western Australia.⁶²
- (2) Expanded polystyrene loose-fill packaging is banned (or proposed to be banned) in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland and Western Australia.
- (3) Bans relating to expanded polystyrene moulded packaging in certain situations are due to be introduced in the Northern Territory and Western Australia in 2025.
- (4) Lighter-than-air balloon releases are banned in Queensland, Victoria and Western Australia.⁶³

For completeness and as already noted in the Discussion Paper, the Act (as it currently stands) does not include other products that are not plastic products. So, for example, the ACT legislation allows for products other than plastic products to be declared to be prohibited products if: (a) the production or use of the product is harmful to the natural or built environment or human health; or (b) there is a reasonably available and affordable alternative product that better promotes a circular economy.⁶⁴ In New Zealand, the scheme is even “wider” as it is possible for regulations to prohibit the manufacture or supply of products that contain materials specified by the regulations, subject to the requirement that the Minister must be satisfied that a reasonably practicable alternative to the specified materials is reasonably available.⁶⁵ There are significant benefits in promoting principles associated with a circular economy.

⁶² These sorts of beads were banned in New Zealand in 2018.

⁶³ Under the Act as it currently stands, it would be possible to ban the sale, supply or distribution of lighter-than-air balloons but it would not be possible to prevent the mass release of this type of balloon. However, the mass release of this form of balloon might amount to littering.

⁶⁴ See *Circular Economy Act 2023* (ACT), section 12(1).

⁶⁵ See *Waste Minimisation Act 2008*, section 21(1)(b) and (2)(b). The Minister must also obtain and consider the advice of the Waste Management Board and be satisfied that there has been adequate consultation with relevant persons and organisations, that the benefits expected from implementing the regulations exceed the costs expected from implementing the regulations, and that the regulations are consistent with New Zealand’s international obligations.

To some extent, harmonisation also involves having or adopting consistent definitions and processes across relevant legislation. The matter of definitions is discussed in Part 5 of this report.

As proposed in the Discussion Paper, on the basis that a decision that has already been made to ban a particular product would not be reversed, and that consultation has already occurred and decisions made on the products that are to be banned in South Australia in 2025, consideration should be given to South Australia taking action to ban any other plastic product that has been banned in another jurisdiction but not in this State, to the extent that those bans are recognised as being workable and appropriate. This could be done from 2026, subject to appropriate consultation in the meantime.⁶⁶ This would result in South Australia having the most comprehensive set of prohibitions and the adopting of a timeframe along these lines would also allow the State Government to continue to work with other jurisdictions so achieve greater consistency across Australia.

The proposal that the list of products to be banned in 2026 be made up of any plastic product that has been banned in another jurisdiction but not in this State was supported as part of this review in a number of submissions.⁶⁷ As stated in one submission, the push for national harmonisation should not be used to reduce or undermine the momentum built in South Australia through the scheme's early introduction in this State.

However, it is also recognised that a proposal to ban any other plastic product that has been banned in another jurisdiction but not in this State should be the subject of further consultation to ensure that these additional bans are workable in our local context and to provide reasonable notice of this initiative.

Finally, this course of action is consistent with the latest Environment Ministers Meeting communique, 10 December 2024, which indicates an agreement between jurisdictions to work together to reduce variations in banned products without reversing any measures that have been taken. It was also agreed in principle that future actions would be coordinated and consistent to the extent possible.⁶⁸

Recommendation:

Any additional items considered to be banned from 2026 should include any plastic product that has been banned in another jurisdiction but not in this State. This recommendation should be the subject of further consultation to ensure that these

⁶⁶ The consultation could include a focus on consistent terminology in the regulations including in relation to exceptions and exemptions (insofar as this is achievable taking into account differences between jurisdictions where the relevant bans are already in place).

⁶⁷ A contrary view was made in one submission, where it was said that there has not been any scientific evidence to support the selection of the items that have been banned so far.

⁶⁸ <https://www.dccew.gov.au/sites/default/files/documents/emm-communique-10-dec-2024.pdf>.

additional bans are workable in this jurisdiction and to provide reasonable notice of this initiative.

6.3 Related matter

A further step would be to consider the extent to which bans and related matters, including terminology, could be aligned with frameworks applying in other countries or economies, such as the European Union. This would recognise that the Australian market is relatively small and that a significant amount of product and materials for such things as packaging is sourced from overseas. Any such action would be expected to be pursued through work initiated by the Australian Environment Ministers.

7 Reusable food and beverage containers at events

7.1 General discussion

Part of this review has been to explore opportunities to require that reusable food and beverage containers be used in specific settings and/or large events. The Act currently does not include provisions that could be used to impose a requirement of this kind.

As stated in the Discussion Paper, it is obvious that any major or significant event can generate a significant amount of waste and potentially litter. As also noted in a submission, Australia's *National Waste Policy 2018* reflects the fact that the simplest way to manage waste is to create less of it in the first place.

The Act provides restrictions as to the types of plastic containers that can be used in connection with the provision of food and beverages to the extent that it bans prohibited plastic products. Programs, advice and materials provided by agencies such as GISA have also been developed to promote the reduction of the amount of waste or litter that is generated at an event and to assist with the management and disposal of waste.⁶⁹ The reviewer notes that some council event guidelines include waste minimisation and management provisions.

Event organisers, vendors and other interested parties may also take action to reduce costs associated with the management of waste and the amount of litter by adopting practices involving such things as recycling or reusing products, resource recovery or waste treatment.

When considering this issue, an alternative to using single-use ware at an event (subject to compliance with the Act) may be to provide reusable food and beverage service ware which is returned by patrons after use. This may require greater coordination and appropriate washing facilities to be available. To the extent that this relates to food and beverages that are sold, or provided as part of an event for which a charge is imposed, the cost of this practice would become part of the cost of the supply of the food or beverages, or part of the costs for the event, and this would be offset (in whole or in part) by avoiding the cost of purchasing and providing single-use options to the extent that they are currently in use.⁷⁰ The type of container used at a venue or event is also relevant. The container would need to meet specified design standards.⁷¹

Additional systems need to be in place if reusable food and beverage containers are used. These may include the use of clearly designated bins or the collection of used containers by staff or contractors.

⁶⁹ <https://www.greenindustries.sa.gov.au/tools-guides>.

⁷⁰ See GISA's *Waste and Recycling at Events and Venues – Guidelines for making a difference* (2022) at page 8.

⁷¹ Various products that are suitable to be used in these settings are already available, and it is unnecessary as part of this review to identify or discuss particular products.

It is certainly important to consider the cost of adopting various alternatives, or establishing particular systems, in particular circumstances or situations. As indicated in a submission made for the purposes of the review, water usage and energy requirements to wash and dry reusable items may create a higher environmental impact than single-use alternatives.

Advice received during the course of the review indicated that some event organisers are already conducting events where reusable food and/or beverage containers are used. However, some organisations have then reverted to using compostable single-use items. It was thought that contributing factors to this change could be higher overhead costs for reusable products, loss of items, storage and the logistics of cleaning stations, and additional staff.

Another submission noted that careful consideration needs to be given to logistics, education and management.

Furthermore, as also noted in a submission, the introduction of mandatory requirements for events conducted at temporary venues would require significant logistical planning and infrastructure, which may be excessively complex and expensive. Additional costs would be passed on to event patrons, potentially making events less affordable and accessible.

Overall, there appears to be general support for an initiative in this area in line with community expectations, and addressing this issue would be consistent with promoting the circular economy. As said in a response to the survey, “events such as the Fringe and the Adelaide Show obviously dealing with single use items and event waste in an environmentally sustainable way is a great example to the wider public on what should be done”.

7.2 Scheme applying in Australian Capital Territory

The Australian Capital Territory (the **ACT**) is one place in Australia where requirements relating to major events may be imposed.⁷² Under the ACT scheme, the Minister may declare that a person must not supply a stated “prohibitible product” to another person at a stated public event. A stated prohibitible product is a product that may be prescribed as a prohibited product or as a prohibited plastic product under the ACT legislation but has not been so prescribed (and so is not banned under the other provisions of the ACT legislation).

The events that have been declared to be public events to date are:

- i. Super Rugby and National Rugby League matches at GIO Stadium Canberra.
- ii. Australian Football League and cricket matches at Manuka Oval.

The items that have been declared to be prohibitible products to date are:

- i. Single-use plastic sandwich containers.
- ii. Single-use plastic soup bowls.
- iii. Single-use plastic salad bowls.

⁷² See the *Circular Economy Act 2023* (ACT) Division 3.3.

Furthermore, the Minister is not permitted to make a declaration under the ACT scheme in relation to a public event that is not a government event unless the declaration is made not less than 3 months before the day the event starts and the Minister is satisfied, after consultation with the person conducting the event: (a) that there is a reasonably available and affordable alternative product; and (b) that the declaration will not have an unreasonable impact on the event.

7.3 Related discussion

The ACT approach is to prohibit the use of stated items (the “stated prohibitable products”) at specified events or classes of events. The scheme is not based on making it mandatory to use reusable food or beverage containers although this may be an underlying aim. Another outcome in some cases could be the use of recyclable items.

There are advantages in being as “direct” as possible, where the aim, which is to promote the use of reusable products, is clear.

The ACT has, to date, imposed their requirements in relation to the conduct of major sporting events conducted on a regular basis at specified venues. Further classes of events and venues can be added in the future. It is good to have a significant amount of flexibility and to allow any controls or requirements to be developed, introduced and built-up over time.

7.4 Code of practice – major events

There are clearly logistical and related issues associated with the introduction of a requirement to use reusable food and beverage containers at major events.

A submission indicated that these challenges may include:

- (a) issues associated with returning reusable containers to the correct bin or place;
- (b) labour-management, which may be intensive;
- (c) retention issues, so that containers can actually be recovered in a state that is acceptable for recycling; and
- (d) lack of on-site facilities.

The same submission indicated that a number of measures can be implemented to deal with any significant challenges, including by:

- (a) the use of clear signage;
- (b) good communication with vendors at the relevant event;
- (c) encouraging the proper disposal of the relevant containers;
- (d) using staff or “monitors” to assist with the correct disposal of the relevant containers; and
- (e) campaigns and information provision.

These types of measures and detailed controls are best suited to secondary or even tertiary legislation in the form of regulations or codes of practice. In this case, the reviewer believes that the best outcome would be for a code of practice to be developed in consultation with members of the relevant sector or sectors. This would include the need to ensure that events, venues and groups that are already managing these sorts of issues effectively or reasonably well are not adversely impacted, and that practical solutions are identified and implemented.

GISA's *Waste and Recycling at Events and Venues – Guidelines for making a difference (2022)* could form the basis for such a code, with the following identified as key features for better practice waste management practices at events:

- Goals are set embracing the key principles where events and venues can make the biggest gains in waste management.
- A waste management plan is in place to support the diversion of materials in accordance with an event waste management hierarchy.
- Practices comply with or surpass the requirements of the Act.
- Vendors use reusable or compostable food packaging and service ware, recognising that different venues would be able to decide on the approach that best fits their current, planned or reasonably available infrastructure and other relevant considerations and circumstances.
- A minimum three bin system is in place for front-of-house.
- There is regular bin monitoring and education for attendees to ensure the correct disposal of items in the right bin.
- Measures, systems and reports are in place and prepared to evaluate outcomes.⁷³

However, the reviewer believes that this requirement should not apply to events conducted at temporary event venues unless they are usually conducted on an annual basis and attract (or are expected to attract) large numbers of patrons, with the number to be determined in consultation with members of relevant sectors. Exceptions may also need to be provided for events held in regional areas where larger travel distances to relevant processing infrastructure may affect the cost effectiveness of collection services.⁷⁴

The adoption of a proposal such as this would also require the scope of the Act to be broadened to apply to items and materials that are not plastic.

A code of practice would be adopted by regulations made under the Act.

It is also recognised that any reforms or additional requirements in this area may lead to higher costs. The community is currently dealing with significant cost of living pressures. However, it is

⁷³ See GISA's *Waste and Recycling at Events and Venues – Guidelines for making a difference (2022)* at page 19.

⁷⁴ See GISA's *Waste and Recycling at Events and Venues – Guidelines for making a difference (2022)* at page 13.

also necessary to address the impact of plastics and similar products on the environment caused by a variety of factors, including waste at events. Ultimately, the costs of a business need to be covered by its customers or from some other source, otherwise the business is unsustainable from an economic perspective.

Recommendation:

The Act should be amended to provide for a code of practice, to be introduced by regulation, relating to food and beverage containers used at significant venues and major events. The types of venues and events will need to be determined in consultation with relevant sectors and stakeholders, with exceptions for some temporary events, and venues in regional areas where there are large distances to available infrastructure. Vendors should be able to use reusable or compostable food packaging and service ware, depending on their particular circumstances.

7.5 Definition of *reusable*

Connected to this topic, and especially in relation to the proposed code of practice, the Discussion Paper suggested that consideration could be given to what might be an appropriate definition of “reusable” under the Act. The term is not defined in the various jurisdictions, other than Victoria:

Victoria:

reusable, in relation to a plastic item, means an item that is manufactured –

- (a) to be used for the same purpose on multiple occasions; and
- (b) with a warranty, or other written representation from the manufacturer as to the length of the time the item is designed to last, of at least one year.⁷⁵

In comparison, in New South Wales, the NSW Environment Protection Authority provides guidance about this matter in connection with assessing whether a food service ware item is likely to be a single-use item and therefore banned under their legislation.⁷⁶ In particular, a plastic item is considered to be a single-use item unless it passes testing in accordance with a referenced standard, with items being required to withstand 125 washes under specified conditions.

⁷⁵ See the *Environment Protection Regulations 2021* (Victoria), regulation 134A.

⁷⁶ See [Single-use plastic guidance for industry \(food service ware items\) \(nsw.gov.au\)](https://www.nsw.gov.au/single-use-plastic-guidance-for-industry-food-service-ware-items).

This issue was addressed during the review, and taking these options and approaches in mind and a most helpful submission, and the fact that it would be helpful to apply or adopt a particular standard with respect to this matter, the following concept or definition of “reusable” is proposed for adoption under the Act:

A reusable container is a product that is designed and manufactured to achieve a minimum number of refill or return cycles, based on a prescribed standard, for the same primary purpose.

Recommendation:

For the purposes of the proposed code of practice, a reusable container should be defined as a product that is designed and manufactured to achieve a minimum number of refill or return cycles, based on a prescribed standard, for the same primary purpose.

8 Harmful chemicals

8.1 Preliminary

One of the terms of reference for the review relates to any opportunities to address the use of harmful chemicals in single-use and other plastic items and their alternatives.

A leading document relating to chemical compounds added to plastic at the time of manufacture is the United Nations Environment Project *Chemicals in Plastics – Technical Report* (UNEP 2023 Report) Geneva. This report notes that these compounds are added during plastic compounding to fulfil specific desired functional properties in the production process or in the final product. Additives can be divided into four different categories: functional additives, colourants, fillers and reinforcements. Typical additives include plasticizers, flame retardants, heat and ultraviolet (UV) light stabilizers, antioxidants, biocides, pigments (colourants), antistatic and blowing agents, impact modifiers, and lubricants. Plastics may also include non-intentionally added substances that are added for a technical reason during the production process, including impurities, reaction intermediates formed during the production process, and decomposition or reaction products.⁷⁷

Per- and polyfluoroalkyl substances (**PFAS**) are chemicals that have been the subject of a significant amount of attention and discussion. PFAS is commonly resistant to degradation in the environment and so this makes them potential environmental pollutants. PFAS in some formations is also known to be toxic and to accumulate in humans and other organisms.

8.2 PFAS and related matters

Introduction

It is clearly the case that there are significant concerns in our community about the use and presence of PFAS.

For this review, a key document is the *National PFAS Position Statement* made by all Australian Governments (Commonwealth, State and Territories).⁷⁸ The Statement records that all Australian Governments have agreed that the further release of PFAS into the environment from ongoing use should be prevented where practicable, and that actions to reduce or phase out the use of PFAS should be nationally consistent.

⁷⁷ See the United Nations Environment Program *Chemicals in Plastics – A Technical Report* available at <https://www.unep.org/resources/report/chemicals-plastics-technical-report> at page 4.

⁷⁸ The *National PFAS Position Statement* is Appendix D to the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination – <https://www.pfas.gov.au/news/national-pfas-position-statement-publication-and-consultation-1>.

The Statement further provides that all Australian Governments have agreed to the following objectives:

- Ongoing sale or use of products (i.e. chemical based formulations) and articles (i.e. objects that contain chemicals) that contain long-chain PFAS⁷⁹, for any industrial or commercial application, should be phased out, in line with the Stockholm Convention.
- Transitioning away from the use of chemicals that cause irreversible or long-term contamination of Australia's environment should be the ultimate goal for all users of PFAS in Australia.
- Importers, sellers and users of chemicals should inform themselves about the presence of PFAS in products and articles, due to their potential negative environmental, health and socioeconomic impacts.

The Statement also includes several strategies that have been adopted or will be implemented to transition away from PFAS, including that where a product or article is suspected of containing PFAS, information should be gathered to ascertain if it contains long-chain PFAS and it should then be managed accordingly.

Furthermore, the Environment Ministers Meeting (the *EMM*) has also agreed on steps to ban PFAS in packaging and on a National Packaging Regulatory Reform process which will include design requirements in relation to packaging.⁸⁰

Food packaging

In relation to food packaging, a key regulatory arrangement was established under the *National Environmental Protection (Used Packaging Materials) Measure 2011* and this has led to a packaging product stewardship scheme known as the *Australian Packaging Covenant* (the "Covenant") administered by the Australian Packaging Covenant Organisation (*APCO*), with the current iteration commencing in January 2017. The Covenant applies to businesses with a turnover of more than \$5 million, and the packaging covered by this scheme includes packaging that is a container that directly contains a product ("primary packaging"), and packaging comprising materials used to contain single or multiple primary packed products ("secondary packaging"). The Covenant has two goals, being: (1) optimising resource recovery of packaging; and (2) preventing the impacts of litter.

As part of its administration of the Covenant, APCO adopted an Action Plan designed to support businesses to voluntarily phase out intentionally added PFAS in fibre-based food contact packaging by 31 December 2023, with provision for a stock run-out period within a reasonable timeframe (stated to be approximately 6 to 8 months). This Action Plan responded to a 2021 study, led by APCO and supported by the Planet Ark Environmental Foundation, to identify PFAS

⁷⁹ Long-chain PFAS is defined as perfluorosulfonates with six or more carbons, perfluorocarboxylic acids with seven or more carbons, and their precursors.

⁸⁰ See especially the following communiqués: [June 2023](#), [November 2023](#) and [June 2024](#).

in fibre-based food packaging and to support: (1) the *National PFAS Position Statement*; and (2) the *2025 National Packaging Targets*. However, APCO's target for phasing out problematic packaging was not achieved, but its current Strategic Plan 2030 has a KPI (key performance indicator) that provides that 100% of APCO members have phased out identified chemicals of concern by 2030.

As noted in the Discussion Paper, of particular concern is the heavy dependency on PFAS for bagasse⁸¹, as PFAS provides heat, moisture and oil resistance properties to bagasse and other fibre-based products, and the Action Plan noted that bagasse packaging is often associated with claims of compostability and recyclability. However, it is possible that the composting of packaging that contains PFAS might contaminate compost.⁸²

It is also noted that the APCO Action Plan does not impose regulatory measures in relation to packaging or controlling PFAS use. Furthermore, these arrangements are now being reviewed on account of the Australian Government's proposed reform of Australia's packaging regulation.⁸³

Discussion

There was significant support in submissions for PFAS to be banned in any plastics, packaging or other products that are compostable alternative products.

In particular, the continuation of PFAS in compostable items may be detrimental to community perceptions of compostable items. The point was made that the presence of PFAS in compostable packaging may undermine both public trust and the environmental advantages of compostable solutions. All Australian Standard certified compostable items must not contain intentionally added PFAS.

Furthermore, a submission noted that the inclusion of materials with PFAS in food organics/green organics bins by householders may cause issues for commercial composting companies on account of downstream concerns about PFAS contamination from the purchasers of their compost products. This issue is further complicated by inconsistencies between

⁸¹ Bagasse is pulp made from sugar-cane stalks from which most of the sugar juice and pith cells have been removed (see the Glossary on page 28 of the Action Plan).

⁸² See page 6 of the Action Plan. The Action Plan (at page 9) also refers to a ban by the NSW Environment Protection Agency on fibre-based food contact materials being added to green waste bins, with PFAS as a key cause – see <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/household-recycling-overview/fogo-information-for-households>.

⁸³ See especially DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water.

jurisdictions as to which items can be placed in food organics/green organics bins.⁸⁴

Equally, it was noted that PFAS has been intentionally included in some alternative products and items because it has been difficult to find other functional options. However, it has been indicated that work being undertaken continues to identify alternatives that meet performance requirements without the intentional use of PFAS.

As indicated above, the current arrangements administered by the APCO are now being reviewed on account of the Australian Government's proposed reform of Australia's packaging regulation.⁸⁵ The discussion paper released for the purposes of that review includes a list of chemicals of concern and while that review relates to packaging, the same issues arise in relation to plastic items, products and materials with respect to PFAS. PFAS is on that list and the following reason is provided in that discussion paper:

PFAS are difficult to remove in the recycling process and reduce the value of recycle. The long term impacts of many PFAS are unknown so they should not be used in products where disposal and release to the environment cannot be controlled. As they persist for long periods of time, PFAS are likely to be present in packaging materials long after their intentional addition to products cease. Preventing intentional addition to packaging will reduce levels in packaging over time.⁸⁶

In seeking to ban or eliminate PFAS in this context, it is also important not to replace PFAS with another chemical that may also be unsafe or detrimental from a human health or environmental perspective.

Overall, the discussions indicate that the phasing out of PFAS should be coordinated nationally. Once the policy position and its implementation has been settled by the Commonwealth, presumably in consultation with the State and Territories, it is assumed that the States and Territories will enact any legislation required at their level by way of model, template or mirror legislation. This is recognised in the Australian Government's discussion paper, which recognises that State and Territory Governments are expected to have a role in "supporting" some of the mandatory requirements and regulatory framework required for a new Commonwealth regime.⁸⁷

⁸⁴ The latest Environment Ministers Meeting Communique indicates agreement in principle to a roadmap to harmonise kerbside collection systems to a minimum set of items that can be collected and recycled across the country, including to make recycling easier for households and to reduce confusion. See <https://www.dcceew.gov.au/sites/default/files/documents/emm-communique-10-dec-2024.pdf>.

⁸⁵ See DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water.

⁸⁶ DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water at page 75.

⁸⁷ See DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water at page 24.

Recommendation:

South Australia should support national initiatives to ban intentionally added PFAS in plastic and other products: (1) that are used for packaging in connection with the provision of food and beverages: or (2) that are designed to be compostable through kerbside and other similar publicly available collection and recovery systems or services. If required, legislation should be introduced in South Australia to complement national initiatives once the Commonwealth Government has settled on its policies and legislation.

8.3 Other chemicals

Introduction

As noted in the Discussion Paper, a topic sheet related to the UNEP 2023 report⁸⁸ states that over 13,000 chemicals are associated to plastics, of which many are of concern. The topic sheet provides an overview of potential criteria which may be useful to consider when focussing on the control measures on chemicals in plastics, being as follows:

Chemicals components

- Hazard: based on intrinsically unacceptable hazardous properties of chemicals, including persistent, bioaccumulative and toxic substances; very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect, amongst other things, the reproductive, endocrine, immune or nervous systems.
- Exposure: Chemicals produced or used in high volumes, or subject to wide dispersive uses, or chemicals in products with high consumer contact/exposure (unless confirmed to present no harm).

Polymer components

- Hazard: based on intrinsically unacceptable hazardous properties for polymers.
- Exposure: based on physio-chemical properties (for example, stability/degradability).

Material and product components

- Chemicals composition (and circularity) to prioritise the reduction or elimination of problematic, unnecessary and avoidable plastics. Consideration of material and product that the chemicals are used in, including whether the product/material is (part of) unnecessary plastic items, whether the chemicals are considered essential or may be substituted with a safe and reliable alternative.

⁸⁸ United Nations Environment Programme (2023): Turning off the Tap: How the world can end plastic pollution and create a circular economy: Topic Sheet: Criteria for Chemicals: Nairobi.

- Socio-economic aspects, such as efficacy and efficiency of possible measures, alternative products and approaches, and possible societal impacts of control measures, particularly with respect to protection of human health and the environment; waste and disposal implications.

The focus of this review has been on the use of *harmful* chemicals in plastic items and their alternatives, and so the criteria relating to hazards in relation to chemicals referred to above is particularly relevant.

The Commonwealth Department of Climate Change, Energy, the Environment and Water has identified a number of chemicals that are used as additives in plastics.⁸⁹ The list of chemicals has been developed for use by importers, exporters, manufacturers and retailers of plastic products, to inform environmentally sound product choices and contribute to global phase-out efforts. A number of these chemicals have been identified as contributing to high aquatic toxicity or causing endocrine disruptive concerns.

Discussion

A review being undertaken by the New South Wales Environment Protection Authority also addresses this issue. The following is an extract from the consultation report for that review (*NSW Plastics: The Way Forward – Draft for consultation September 2024*):

The potential harm caused by plastic items in the environment may go well beyond what we can see with the naked eye.

Plastics contain thousands of chemicals such as plasticisers, pigments and flame retardants, which are added during the manufacturing process to change a plastic's colour, flexibility, durability and other properties. The resulting versatility of plastic is a large part of why it is such a widely used material. ...

While evidence is emerging to indicate that microplastics and the chemicals in them may have detrimental impacts on the environment and human health, the nature, extent and severity of these impacts is unknown. However, given the widespread distribution of microplastics in the environment and their ability to enter and accumulate in the food chain, the risks they may pose are concerning. People may be exposed to microplastics and potentially harmful chemicals through a number of pathways: they can eat food packaged in plastic, microwaved in a plastic container, or grown from contaminated soil; drink water from a plastic bottle; or breathe polluted air.

The chemicals in plastics and microplastics are also posing challenges to recycling and reuse. They can contaminate new products made from recycled plastics. They may also

⁸⁹ <https://www.dcceew.gov.au/environment/protection/chemicals-management/chemicals-of-concern-plastics>.

compromise the beneficial use of valuable recovered resources such as biosoils and compost.⁹⁰

The New South Wales report then proceeded to list the following proposed actions:

Action 1: Develop and publish a “green list” of chemicals that are permitted in plastic and non-plastic food packaging below certain tolerable risks.

Action 2: Develop and publish a “red list” of chemicals that are proposed to be phased out of plastic and non-plastic food packaging supplied in NSW within specified time frames.

Action 3: Introduce a voluntary chemical certification and labelling scheme for plastic and non-plastic food packaging.

Action 4: Support for increased chemical testing capacity for packaging.

Action 5: Work with the Commonwealth Government to mandate the chemical certification and labelling scheme for plastic and non-plastic food packaging in five years.⁹¹

In relation to this review, the submissions that addressed bans on the use of chemicals of concern supported the position that the phasing out of harmful chemicals should be coordinated nationally. This could occur in relation to harmful chemicals in plastics, their alternatives and packaging.

As is the case with PFAS, the reviewer concurs with the view that the reforms in this area should be developed in consultation with the Commonwealth and the other States and Territories, with the States and Territories enacting any legislation required at their level by way of model, template or mirror legislation. This would be consistent with other national frameworks relating to such things as dangerous goods and substances and industrial chemicals.

Recommendation:

South Australia should work with the Commonwealth to ban harmful chemicals from plastics, their alternatives and packaging. Legislation should be introduced in South Australia to complement national initiatives once the Commonwealth Government has settled on its policies and legislation.

⁹⁰ <https://hdp-au-prod-app-nswepa-yoursay-files.s3.ap-southeast-2.amazonaws.com/2017/2578/6913/NSW-plastics-way-forward-consultation-draft.pdf> at page 21.

⁹¹ *NSW Plastics: The Way Forward – Draft for consultation September 2024* at pages 24 and 25.

9 Additional strategies, initiatives and issues

9.1 Compostable materials

It appears that there may be an issue associated with dog waste bags that are promoted as being “landfill degradable”, where the far better option would be to require that they are certified compostable. A situation like this can lead to public confusion, waste contamination and poorer environmental outcomes.

This is an example where the Act should have a “wider” application in relation to materials and products that are not plastic as such, but are connected with the use or substitution of plastic in our community. As noted in a submission received for the purposes of the review, there are definite benefits in being able to distinguish effectively between chemical plastics and compostable polymers made from renewable plant materials. It is also important that all Australian Standard certified compostable alternatives are clearly excluded or exempt from the prohibitions applying under the Act.

Another submission recognised that within the waste management hierarchy, compostable products offer a viable alternative to non-compostable single-use plastic. It goes on to note that industry has invested heavily in developing technology in this area and that some recycling options may not be sufficiently accessible.

These issues were also taken up in some of the responses provided via the survey. One response made the point that plastics have never been good materials for the circular economy due to the difficulty of reuse due to strength and contamination. It went on to say “that it is much better for the plastic to be replaced with a degradable and compostable material which can be returned to the earth with positive impacts instead of discarded or stored plastic”.

As to greater introduction and use of compostable materials and products, there are significant benefits in ensuring that they meet recognised standards to ensure that they are compostable in an effective and useful way.

In connection with this issue, it is recognised that single-use compostable solutions may also become a source of litter or contamination and so action needs to be taken to continue to avoid this outcome.

It is also important to have systems in place to encourage and facilitate the effective collection of compostable items in public places and events, recognising that this will need to be supported by additional expenditure, support and public education. As stated in one submission, action along these lines will contribute to ensuring that the full environmental benefit of adopting compostable materials is realised. This point was also made in responses made via the survey. Investment in public place infrastructure is seen to be crucial. It was also said in a response that many consumers do not understand how “compostability” works and this is likely to lead to increased littering rates (and presumably items and products unnecessarily going to landfill).

In addition, in view of the increasing focus on compostable materials, it would be helpful, as indicated by a submission, if more data into what impacts are being experienced by the organics processing/composting sector was available, especially to see whether operators in this sector are receiving more or less contaminants and how this is impacting their end products and markets.

On a related note, it was said on more than one occasion that consumers remain confused about the differences between compostable, biodegradable, degradable and “green”. The term “recyclable” could also be added to this list. This confusion was said to be exploited by some manufacturers who deliberately use misleading words or packaging, and this can lead to well-meaning businesses and customers unintentionally doing the wrong thing and contamination of waste streams.

It is also important that relevant labelling is consistent across jurisdictions, and that members of the public know what each symbol means.

It appears that these matters have been raised, at least to some extent, because of the focus of this review on the management and disposal of items and products associated with alternatives to banned single-use plastics. The management of waste and waste disposal also crosses over into the work of the EPA and the scope and application of the *Environment Protection Act 1993* and related legislation, including on account of W2R EPP.

Initiatives and outcomes connected with encouraging, facilitating and supporting the use of appropriate compostable products and materials include the requirements and approach set out in the most recent changes to the *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021*, as introduced by the *Single-use and Other Plastic Products (Waste Avoidance) Amendment Regulations 2024*. This scheme provides exemptions from plastic barrier bags and plastic shopping bags if the bag is certified as being compostable and clearly indicates by a label or other mark that it is compostable (being either home compostable or industrially compostable). As to the requirements to be certified as compostable, the product must have been assessed, tested and certified as complying with the relevant Australian Standard or, until 1 March 2026, be certified to relevant United States or European Union standards.

It is acknowledged that some of the following recommendations have a wider application than simply the management of recognised alternatives to single-use plastics, but they are still relevant to improving environmental outcomes associated with moving away from single-use plastic items, and the effect of the bans introduced under the Act since 2021.

Recommendations:

- (1) Legislation should be in place to regulate the use of compostable products, including by regulating the use of labels for products that claim to be compostable. Any products that are promoted or labelled as being compostable should be required to meet a set of prescribed standards. These requirements should build on the exemptions that currently apply under the Act in relation to the certification of relevant products and the use of appropriate labels or other markings.**

- (2) Steps should be taken to seek consistent labelling of products across jurisdictions, and that this is addressed by the Act to the extent that it is not covered by other legislation.**
- (3) Work should be undertaken to support the increased availability of bins at public places and events for the proper disposal of compostable items and products, and for items and products that should be recycled. Consideration should be given to supporting this by the provision of financial support and public education campaigns. The opportunity should be taken to include information about what each symbol used on items, products and materials means.**
- (4) The State Government could collect or obtain, and publish, more information about the impact that the increasing use of compostable products is having on the circular economy and on end markets.**

9.2 Grace periods

It was suggested during the course of the review that a business holding stocks of an item at the timing of its banning should be provided with an express exemption to allow them to use the items after the ban has commenced operation.

This is not supported by the reviewer. Advice has been received that a “grace” period has been provided in connection with the introduction of each set of bans on a case-by-case basis.

A decision to allow large stocks of items being held by a business at the time of the introduction of a ban to continue to be used until the stocks are exhausted may cause confusion in the community and criticism that items that have been banned are still available to consumers. Significant lead-times have always been provided in connection with bans under the Act.

9.3 Rating the effectiveness and operation of the Act

The reviewer considers that it is clearly the case that the Act has been an effective way to reduce single-use plastic items, and this is supported by various submissions. As said in one submission, a number of single-use plastics which were once prevalent in the litter stream have almost entirely disappeared.

A greater interest in using and promoting compostable or recyclable products in place of plastic products or items is having a positive effect on the amount of material that is going to landfill, and this may, in turn, lead to better outcomes in relation to such things as kerbside collection requirements and practices.⁹²

⁹² It would appear to be fair to say that an example of an outcome from the reduction of single-use plastics in the community is the trialling of weekly green organic collection and fortnightly landfill collection by some local government councils.

As was said in one submission, the staged approach to bans has allowed businesses to adapt and to access alternatives. However, it was also considered that ongoing monitoring and enforcement will be essential to ensure compliance and to address any remaining challenges. This will be important for the ongoing effectiveness of the Act.

There was also some concern that some alternatives may simply end up being other forms of single-use items that also contribute to landfill.

The point was also made in several submissions that the Act could do more, and some of the comments and suggestions along these lines are addressed by recommendations made in this report. A response provided via the survey considered that “it was too early to see any real world benefits just yet, that’s going to take decades”. Another response said that “we still have some way to go”. Some other respondents indicated that they believed that the Act has not made any real or significant difference.

In considering the effectiveness of the Act, a good point of reference is the UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability*. This document cites a report that has indicated that the most common finds during international coastal cleanups are, in order of magnitude, cigarette butts, plastic beverage bottles, plastic bottle caps, food wrappers, plastic grocery bags, plastic lids, straws and stirrers, glass beverage bottles, other kinds of plastic bags, and foam take-away containers.⁹³ Given that plastic beverage bottles are covered by South Australia’s container deposit legislation, the reviewer considers that the approach adopted under the Act to date compares very favourably to the information provided by UNEP. The UNEP document also makes the point that bans on single-use plastics can be a step towards more comprehensive policies aiming at reducing the generation of plastic waste and at replacing single-use plastics with more sustainable, environmentally-friendly alternatives.⁹⁴

9.4 Packaging regulation

As already noted in this report, the Commonwealth Government is consulting on proposals for the reform of packaging regulation. This is particularly relevant to the future of the Covenant referred to in Part 8 of this report, and is expected to give rise to a much greater role for the Commonwealth in the regulation of plastics noting, however, that not all single-use plastic products comprise packaging.

As also indicated in the discussion paper released by the Commonwealth for the purposes of their review of packaging regulation, plastic packaging is particularly problematic when it comes to rates of recovery when compared to material going to landfill.⁹⁵

⁹³ UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability* at page 10. In relation to cigarette butts, these items should be addressed in connection with the regulation of cigarettes and anti-litter laws.

⁹⁴ UNEP (2018) *Single Use Plastics: A Roadmap for Sustainability* at page 65.

⁹⁵ See DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water at page vii.

The Commonwealth discussion paper identifies several issues for the purposes of their review, including:

- Landfill packaging and litter are impacting our environment
- Too much packaging is placed on the market and not enough is designed for recyclability
- More collection and recycling is needed
- Market development for used packaging materials is slow
- Recycling options are impacted by complex and opaque information.⁹⁶

The objective of the proposed reforms is expressed to be to reduce the environmental impacts of packaging by establishing an approach that:

- Supports the transition to, and the maintenance of, a circular economy for packaging in Australia
- Has clear obligations, is consistently operationalised nationally and requires all regulated entities to participate
- Is supported by administrative and reporting systems that minimise regulatory burden on the regulated community and can provide relevant information on the impact of the regulation.⁹⁷

It appears that reforms along the lines set out in the Commonwealth discussion paper would replace the Covenant and co-regulatory arrangements for packaging discussed earlier in this report.

From another perspective, a number of responses received via the survey indicated that members of the public believe that there is too much packaging and too much plastic packaging.

A submission received for the purposes of the review asked that consideration be given to prohibiting the production and sale of black and dark coloured plastic packaging. It noted that dark coloured packaging is very difficult to identify and sort for recycling using current technology deployed by material recycling facilities in South Australia (and interstate), and as a result it is commonly missed by the recycling process and disposed to landfill. Black and dark coloured packaging can be easily substituted with similar packaging of lighter colours, which is more easily identified by infra-red optical scanners in material recycling facilities and sent for recycling. The use of carbon black is listed in the Commonwealth discussion paper as something that is under consideration for restriction or to be disincentivised. The reviewer considers that this is worthy of support.

⁹⁶ See DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water, Part 3.

⁹⁷ DCCEEW 2024, *Reform of packaging regulation Consultation paper*, Department of Climate Change, Energy, the Environment and Water at page 11.

The reforms being considered by the Commonwealth Government are connected to other work now being conducted in parallel. For example, the EPA submission notes the work being undertaken at the national level, including for the development of mandatory design standards to include recyclability, recycled content requirements and designing out chemicals from packaging placed on the market. The EPA reports that, to this end, an interjurisdictional officer-level group is currently putting together technical working groups with terms of reference to develop design standards for the different packaging materials including the phase out of harmful chemicals in packaging materials. This will also include the consideration of alternative products being used for single-use plastic bans and Australian Standard certified compostable products.

Recommendation:

The State Government should consider, as part of the national reforms relating to packaging, supporting the proposal that black and dark coloured plastic packaging should not be used.

9.5 Other matters

9.5.1 Objects of Act

While not raised in the Discussion Paper, the EPA has suggested that consideration be given to removing “marine” from object (b) in section 5 of the Act. This step would mean that the Act “speaks” to all litter and is not inadvertently narrowed to litter that relates to the marine environment. The reviewer believes that this is a worthwhile suggestion that should be picked up as part of this review of the Act.

Recommendation:

The objects of the Act should be amended by excluding the word “marine” from paragraph (b) in order to make it clear that the Act is interested in litter reduction across all aspects of activity and the environment, not just in connection with the marine environment.

9.5.2 Ministerial exemptions

A submission received for the purposes of the review noted that the Act does not include a process for a Ministerial exemption to be provided in relation to a banned item, even on an interim basis. It was suggested that this is something for the Government to consider adding into the statutory scheme to assist with its operation.

This is worthy of consideration and there are precedents for a provision which allows a Minister to grant exemptions from the provisions of an Act, with or without a comparable power to grant exemptions in the regulations (and, in any event, as bans are now introduced by regulation, the regulations are already setting out exemptions and exceptions). Additional flexibility in connection with the administration of an Act is often a useful mechanism and may assist with

dealing with an issue that has arisen in connection with the operation or administration of a piece of legislation.

Recommendation:

Consideration should be given to amending the Act so that the Minister is able to grant exemptions from the operation of the Act, or specified provisions of the Act. The provision would provide that an exemption would be able to be granted subject to any conditions determined by the Minister and that an exemption would be able to be varied or revoked by the Minister in the Minister's absolute discretion.

9.5.3 Design standards

Other reviews

Part of the review of packaging regulation currently being undertaken by the Commonwealth Government relates to design standards. Similar issues may arise in relation to plastic items that do not constitute packaging. These issues may include components or parts of plastic products that effectively become single use. An example of this is found in the paper released by the EPA as part of its review of W2R EPP in relation to tethered single-use drink bottle lids.⁹⁸ The introduction of design standards in relation to plastic items might be better suited to amendments made to the Act that is the subject of this review, especially if this Act becomes the legislative vehicle to complement the Commonwealth's reforms in relation to packaging.

Addressing detrimental effects

Furthermore, as has been discussed in relation to alternatives to plastic products, other items may also have a detrimental effect on the environment in a manner similar to plastics. In some cases, the issue may be best dealt with by the introduction of design standards. This issue is addressed by section 8 of the *Plastic Reduction and Circular Economy Act 2021* (NSW). Under that section, it is possible to prescribe design standards for an item for environmental, human health or economic reasons, including for:

- (a) promoting waste avoidance and reducing the likely impact of the item on the environment;
- (b) increasing the potential for, or for reducing barriers to, the re-use, recovery, recycling, processing or reprocessing of an item;
- (c) increasing the use of recycled material in the manufacturing or production of an item;
- (d) reducing the impact of the production, use, processing or reprocessing of an item on the environment;
- (e) reducing the unnecessary or inefficient use of materials in an item;
- (f) increasing the energy efficiency or resource efficiency of an item;

⁹⁸ See https://www.epa.sa.gov.au/community/have_your_say/waste-to-resources-policy-review at page 41.

- (g) prohibiting, preventing or reducing the use of an item that may result in a risk to human health or the environment, including by applying the precautionary principle;
- (h) waste management or resource management;
- (i) increased post-consumer collection;
- (j) increasing consumer awareness in the matters referred to in a preceding paragraph.

Under this scheme, a design standard may contain requirements relating to:

- (a) the composition of an item;
- (b) the way in which an item must be packaged or labelled;
- (c) the way in which an item must be designed, constructed or manufactured;
- (d) independent testing and verification.

The reviewer considers that a similar provision should be included in the Act on the basis that this would address comparable issues for items other than plastic.

Recommendation:

It should be possible to prescribe design standards for plastic and other items for environmental, human health or economic reasons. The scheme should be modelled on the scheme that is found in the *Plastic Reduction and Circular Economy Act 2021 (NSW)*.

9.5.4 Wider application of Act

A submission made for the purposes of the review noted that Governments should strive to avoid or reduce the use of many single-use items including those that are not plastic. This is considered to be a step too far taking into account the terms of reference for this review. However, as discussed in an earlier part of this report, consideration should be given to including provisions that would allow single-use items that are alternatives to single-use plastics being banned in specified circumstances.

From another perspective, the South Australian Government indicated in the development of the current Act that it was taking a precautionary approach in relation to the initial scope of the legislation. Experience is now showing that it is time to capture or regulate some related matters or issues, as outlined in other parts of this report.

Some of the reforms outlined in this report, if adopted, will require the long title and objects of the Act to be amended, and a new short title. Ultimately, the short title assigned to the Act should be decided by Parliamentary Counsel. However, a suggested starting point is the *Plastic Control, Product Management and Waste Reduction Act* to reflect the wider application of the Act in relation to plastics, the need to introduce new controls and prohibitions in relation to such things as harmful chemicals in plastics and other items, and the reforms designed to

provide improved outcomes in relation to waste avoidance and reduction, including by the introduction of design standards.

Finally, the Act currently refers to plastic “products”. The term product reflects, at least to some extent, that plastics are produced through an artificial process. The reviewer believes that consideration should be given to adopting the term “item” rather than “product”, and to include a definition of “item” consistent with the New South Wales *Plastic Reduction and Circular Economy Act 2021*.

Recommendations:

- (1) A consequential amendment will need to be made to the long title of the Act to take into account the broader scope of the Act on account of recommendations made in this report. Additional changes to the objects of the Act will also need to be considered.**
- (2) The short title of the Act should be amended. One option would be to change the name of the Act to *Plastic Control, Product Management and Waste Reduction Act*.**
- (3) Consideration should be given to replacing references to “product” in the Act with the term “item”, which would be defined to include: (a) a part of an item; and (b) a product, material or substance.**

9.5.5 Government schools

A submission made for the purposes of the review referred to the *2024 Greening Our Canteens Campaign Position Brief*.

The Campaign Position Brief was developed by the South Australian Student Representative Council on the basis that students want South Australian schools to be environmentally sustainable. As stated in the Campaign Position Brief, this includes “improving the waste and recycling practices of their school canteen to reduce food waste going to landfill and carbon emissions going into the atmosphere”.

Some points made by the Campaign Position Brief include:

- (1) School canteens are important places where schools can show their commitment to being environmentally sustainable.
- (2) Students want a commitment to eliminating the use of plastic packaging.
- (3) Practices to be adopted in schools could range from supplying organic waste bins to introducing recyclable/compostable packaging products. Signage near the canteens and bins should provide advice about which bin to use.
- (4) Steps should be taken to providing or encouraging the use of reusable kitchenware, containers and cutlery.

The Campaign Position Brief is clearly an important document that was developed after a poll or questionnaire was conducted at schools between March and May 2024.

While the terms of reference for this review make reference to opportunities to mandate reusable food and beverage containers in specific “settings”, the adoption and implementation of any or all of the changes recommended in the Campaign Position Brief is a matter for the Department for Education. It is acknowledged that aspects of the Campaign Position Brief relate to such things as recycling programs, compostable products and reusable food and beverage containers. However, issues associated with the management of schools are not contemplated in the terms of reference of this review.

This is not to detract from the importance of these issues and the work of the South Australian Student Representative Council in seeking a more sustainable future for children and young people. The Student Representative Council is to be commended for its work and the reviewer believes that this review and, in particular, the outcomes adopted on account of this review will make a positive contribution to improving outcomes for the environment when undesirable plastics and related materials are involved, and that this review will bring an even greater focus on the matters that are also raised in the Campaign Position Brief.

Appendix 1 – Formal consultation and submissions

The following people and entities were either directly consulted, or made written submissions, for the purposes of the review:

Adelaide Hills Council
Adelaide Hills Waste Management Authority
Adelaide Oval Stadium Management Authority
Australian Council of Recycling
Australian Food and Grocery Council
Australian Fresh Produce Alliance
Australian Hotels Association (SA)
Australian Packaging Covenant Association
Australian Retailers Association
Blackbio Australia
Boomerang Alliance
Central Adelaide Waste and Recycling Authority
City of Burnside
City of Onkaparinga
City of Tea Tree Gully
CleanLIFE
Commissioner for Children and Young People
Conservation Council SA
Department for Health and Wellbeing
East Waste
Environment Protection Authority – South Australia
Forde
Genfac Plastics
GRACosway on behalf of Mars Australia
Green Industries SA

Hayley Hasler
Huhtamaki
Huskee
Colleen Kennedy
KESAB environmental solutions
Local Government Association South Australia
No Balloon Release Australia
No More Butts
Elisa Resce
Ann Smith
South Australian Independent Retailers
Veolia Australia and New Zealand
Woolworths Ltd
World Wide Fund for Nature – Australia
WOSUP Holdings Pty Ltd

This list does not detract from the people who are not mentioned but who took time to participate in stakeholder consultation, who provided comments about the review and issues associated with plastics in our community via YourSAy, who completed the survey, or who met with the reviewer on a more informal basis. Everyone's interest and contributions to the review have been valued and appreciated.

Appendix 2 – Survey questions

A survey was conducted for the purposes of the review. The following sets out the questions and many of the responses that were received via the survey, to the extent considered useful by the reviewer and on the basis that some editing has also been done to amalgamate responses, to avoid repetition, or to provide greater clarity.

1. **Who you are** (including number of respondents and response %)

- Consumer (90 people – 82.6%)
- Manufacturer (4 people – 3.7%)
- Supplier (2 people – 1.8%)
- Retailer (2 people – 1.8%)
- Restaurant or catering industry (4 people – 3.7%)
- Event organiser (2 people – 1.8%)
- Waste management business or authority (1 person – 0.9%)
- Industry representative (1 person – 0.9%)
- Environment interest body (3 people – 2.8%)
- Importer
- Recycling business
- Composting business

2. **Organisation name**

3. **Do you think that the current scheme under Part 2 of the Act, which prohibits specified plastic products (especially single-use products) from sale, supply or distribution in South Australia, is working well?**

The results were:

- Strongly agree (16 people – 15%)
- Agree (37 people – 34.6%)
- Neither agree or disagree (15 people – 14%)
- Disagree (20 people – 18.7%)
- Strongly disagree (19 people – 17.8%)

4. Please provide reasons for your answer

The following is a summary of the information that was provided by respondents:

- Alternatives are working well.
- Consumers just use alternatives. Alternatives just create waste in another way.
- Alternatives are not well tested. Alternatives are not fit for purpose. Alternatives are often weaker. The straws that are now available are terrible.
- It is hard to see a great reduction in single-use plastics.
- There is less plastic waste in the marine environment and the ocean.
- It would be good if there was more consistency in the bans.
- Systematically working through identifying and removing single use plastic products from use and forcing manufacturers to provide alternatives is working.
- The switch to compostable or recyclable food and beverage packaging has been a great transition. As a consumer there is no impact to service or quality but a big impact for the environment. I take pride in composting or recycling waste.
- Prevention of excess plastic production and waste is critical for slowing down the effects of littering and waste.
- The legislation forces people to make choices that reduce waste.
- There is far less single use plastic being used, and far less being found in the environment. There is less road-side rubbish.
- The bans are a positive thing for the State.
- While the current Act is working, the next steps need to be taken quickly to stop the ever-increasing production and use of plastics. More bans need to be put in place. Too much is still going into landfill.
- The information on the website is confusing and unclear.
- Many businesses are doing the right thing.
- The bans have increased the costs of running a business, products are inferior, and they make the performance of work harder than it needs to be.
- The bans take away our freedom of choice.
- The banning of items is a very limited way to reduce plastics entering the environment.
- There needs to be better public infrastructure on where to put things.
- The bans do not address over-packaging and plastic packaging.

- The bans need to be complemented by some kind of soft plastics recycling scheme to be truly effective.
- The timing of the bans and grace periods were too short.
- There is still some confusion in the market as to what items are banned and what alternatives are suitable for use.

5. Do you think that that the banning of oxo-degradable products, which are plastic products that break into smaller pieces when exposed to ultraviolet radiation or heat exposure, has worked well?

The results were:

- Strongly agree (16 people – 15.1%)
- Agree (29 people – 27.4%)
- Neither agree or disagree (34 people – 32.1%)
- Disagree (15 people – 14.2%)
- Strongly disagree (12 people – 11.3%)

6. Please provide reasons for your answer

The following is a summary of the information that was provided by respondents:

- Smaller pieces are a significant problem. We should not be using plastics that can turn into micro-plastics.
- Strong support for banning these items. Less waste of this type is a good thing.
- The distinction between compostable and biodegradable for consumers is hard to make.
- Replacements simply do not work.
- We are seeing less litter, and less plastic waste.
- It is too early to assess the impact.
- These plastics are being replaced by other plastics that do not break down.
- This is banning useful products.

7. Has the banning of products and items under the Act had an impact on the environment, on waste management, or on the principles of a circular economy?

The results were:

- Strongly agree (7 people – 6.7%)
- Agree (40 people – 38.1%)

- Neither agree or disagree (24 people – 22.9%)
- Disagree (20 people – 19%)
- Strongly disagree (14 people – 13.3%)

8. Please provide reasons for your answer

The following is a summary of the information that was provided by respondents:

- There is still too much plastic litter.
- Implementing reusable systems is the solution to avoid single use and trash in the environment and the ocean.
- The Act has forced suppliers, retailers and waste management companies to make the switch. This would not have happened without such strong legislation.
- The Act has definitely made an impact.
- How much of an impact that the Act has had is unclear.
- There is more rubbish everywhere.
- There is a slight change but more needs to be done.
- It has helped. You can see the difference.
- It's great for the environment. Plastics have never been a good material for the circular economy.
- Compostability is a lower order of recovery when compared to mechanical recycling or other forms of recycling.
- Recycling has just pushed the onus of dealing with the pollution created by multinational organisations onto consumers and not the organisations that create the waste.
- The bans only address one component. We need to transition more quickly to a plastic free economy.
- The bans have only made life harder and more expensive.
- There is no assurance that alternative products do not go into landfill.
- A lot of the alternatives create more waste and are genuinely single use where the previous product could be used multiple times or repurposed after use.
- More education is needed for consumers.

- Reduced reliance on traditionally single-use plastic products has an impact on the environment but perhaps less significantly on waste management or the development of a circular economy.
- All plastic needs to be eliminated.

9. Do you think that there have been any unintended consequences as a result of the operation of the Act?

The results were:

- Strongly agree (19 people – 18.1%)
- Agree (27 people – 25.7%)
- Neither agree or disagree (41 people – 39%)
- Disagree (13 people – 12.4%)
- Strongly disagree (5 people – 4.8%)

10. If you think this to be the case, what are they?

The following is a summary of the information that was provided by respondents:

- I have not noticed anything.
- Reusable is the best solution to get us out of this crisis.
- I believe the intended purpose has been positive as people become more aware and are using other substitutes that are not throw away plastics.
- Contamination of yellow recycling stream has become more prevalent. The Act requires a higher number of organic recycling facilities for consumers and education which is an ongoing activity that could use scaling. I am proud of our State for taking this bold move.
- Possibly high expenses for businesses to make the changes. Not sure how much support businesses received to make changes.
- I think the website being uninformative and unclear has had a negative consequence.
- More “weak” products need to be used.
- In general, people are more aware of their responsibilities.
- Consumers do not know how compostability works.
- There is less plastic. There might be teething problems from companies/consumers but other companies have thrived without it and people should too, so there is no excuse to put the effort into positive change. There are many better alternatives.

- There has been an unintended consequence with the legislation as it has affected the mental health of some people by requiring them to face inadequate products which fail to do the same job as the plastic products they are replacing, resulting in frustration and stress.
- People are not focused on reducing waste as they are now think that it is okay to create a lot of compostable waste. This is still better but not as good as eliminating the waste in the first place.
- There needs to be a discussion about the impact on disabled members of the community who cannot use or have adverse reactions to single-use alternatives.
- The logos that identify what kind of plastic material is present are not clear enough. A simpler, more obvious system of designation is required.
- The worst unintended consequence of inventing plastic has been its detrimental effect on fauna.
- I have not encountered any unintended consequences. I try to avoid consuming plastics anyway.
- There are too many excess paper bags.
- Replacement compostable supermarket bags do not have comparable strength to the traditional plastic bags.
- It is more expensive for places such as cafes to purchase compostable products.
- Lack of government support in finding alternative solutions in some cases has made it challenging for some small businesses.
- There has been an increase in the cost of packaging items which has in turn been passed through to the end consumers.

11. As a consumer, has banning a particular plastic product had an impact on you?

The results were:

- Strongly agree (23 people – 25.8%)
- Agree (13 people – 14.6%)
- Neither agree or disagree (11 people – 12.4%)
- Disagree (19.1%)
- Strongly disagree (25 people – 28.1%)

12. Please provide reasons for your answer

- I have avoided single-use plastic as much as possible for a number of years.

- There has been no impact – I just have to think about the shopping and take the necessary containers with me.
- Suitable compostable replacements are found.
- I try to bring reusables but when I forget the compostable or paper options have been fine.
- It has made me think about alternatives that do not create waste.
- Only a positive impact, in feeling that I can purchase food/beverages on the run without trashing the planet.
- The impact on me is positive, as it easier for me to live how I choose, because my environment is slowly changing to suit my values.
- Buying more bags constantly is costing much more.
- Bamboo forks are horrible, knives do not cut, and paper straws collapse.
- Positive impacts only.
- The positive impact on me is gratitude that government is taking action.
- I have never come across a product that I needed that has been banned.
- I prefer the paper and cardboard takeaway containers, banning plastics has improved my life. The alternatives are better.
- The bans have made me more comfortable buying new products.
- Short term inconvenience, but reforming habits alleviates the inconvenience.
- The alternatives are more expensive.

13. As a consumer, do you think that the alternatives to products that have been banned have been satisfactory?

The results were:

- Strongly agree (21 people – 23/9%)
- Agree (24 people – 27.3%)
- Neither agree or disagree (10 people – 11.4%)
- Disagree (12 people – 13.6%)
- Strongly disagree (21 people – 23.9%)

14. Please provide reasons for your answer

- They are inferior and cause more products.

- Some are unnecessary and should be banned as well.
- Paper bags at supermarkets are not sturdy enough.
- Use of bamboo, wood products that are more sustainable and environmentally friendly.
- I would like to see clearer indications on packaging about the compost standards and which bin items belong in.
- I would prefer to eliminate rather than replace.
- I am unaware what has been banned, but it has obviously not had a negative impact on my life as I have not noticed anything missing. I assume things like wooden cutlery are part of this, and they work great.
- They do the job and people cannot be relied on to dispose of plastics appropriately.
- Still uses resources and creates waste, albeit potentially less impactful waste.
- Prefer eating with plastic utensils. Straws do not last long enough. Cup lids do not work.
- The switch to paper shopping bags has not been particularly good. The paper breaks easily. They have become more of a single-use item.
- A plastic product has been replaced with a more expensive recyclable alternative.
- I would be happy to use alternatives but the quality is not yet equal to the prior plastic items.
- Anything that is not made of plastic and can be recycled has to be good.
- The substitutes are fine. It's human behaviour that needs more shaping.
- Alternatives are not suitable for the intended purpose.
- We need better education on what is biodegradable.
- Well done SA for leading the way.

15. As a consumer, has the information or publicity about what is being done under the Act changed your approach to the use of plastic or plastic products, or to the disposal, recycling or composting of plastic waste or materials?

The results were:

- Strongly agree (12 people – 13.5%)
- Agree (20 people – 22.5%)
- Neither agree or disagree (18 people – 20.2%)
- Disagree (19.1%)

- Strongly disagree (24.7%)

16. Please provide reasons for your answer

- It has been okay but there could have been more.
- I am trying to choose reusable products for use in the home.
- I am already a strong advocate for the banning of single-use plastic products.
- I consider myself as a consumer who is educated about the different types of plastics, plastic products and compostables.
- I think that the information is there but people are lazy or do not know how to access it.
- The more you educate consumers the better.
- I feel that there has not been enough information or publicity.
- I actively try to avoid single use plastics where possible. Additional information would have been unlikely to change my current stance.
- I am annoyed that more was not banned.
- I do not think that there has been enough information or education for consumers; there needs to be more outreach to explain why it is so important not to use plastics.
- I have not seen any extra compost bins, or recycle bins in areas where it might have an impact.
- The information really only focusses on the government.

17. As a consumer, do you search the internet for information about how to manage the use or disposal of plastics or plastic products, and have you looked at the State Government's Replace the Waste site?

- It's confusing.
- I have looked at the website.
- I find the website helpful.
- I was not aware of the website.
- I use an app to look up a product and receive advice.
- Sometimes I use the Which Bin website at home.
- I have in the past looked for information on which plastics could be recycled.
- Yes, but the information about different sorts of plastics and how they can be disposed of or recycled appropriately is extremely limited and disparate.

- I have often searched the internet about relevant issues.
- I found information on plastic in SA through council information. This is the first that I'm hearing about the State Government website but the more information, the better.
- I have used the website and it is easy to search for further information.

18. How useful is the information that you have found online about the use, recycling, composting or disposal of plastic or plastic products?

- Information that is online is very useful.
- Using online information is not as useful as it varies between the States.
- Information can be contradictory.
- It is sometimes hard to categorise everything.
- The Replace the Waste website does not seem to have easy to find information on how to recycle.
- I have no way to identify what type of plastic I have and how to recycle it effectively.
- More is required, especially in relation to soft plastics.
- The Which Bin website is extremely helpful.
- What is confusing is that each council has different disposal rules. The State Government needs to be a better leader and to push the State towards best practice.
- There seems to be a lot of greenwashing.
- Labelling needs to be improved to help willing but ignorant users like me.
- There should be more information about plastics in clothing.
- To reach more of the population requires more aggressive campaigning.

19. As a consumer, would you support mandating requirements for the use of reusable food and beverage containers at major events, even if this were to add to the cost for people attending those events?

The results were:

- Strongly support (43 people – 48.3%)
- Support (12 (13.5%))
- Neither support nor oppose (8 people – 9%)
- Oppose (7 people – 7.9%)
- Strongly oppose (19 people – 21.3%)

20. Please provide reasons for your answer

- The cost of most events is already quite high and so a dollar or two extra to avoid single-use plastic is not a big imposition. This is part of protecting the planet and is the least we can do. A small cost to consumers but a large benefit for the environment.
- The cost would probably be too excessive and annoy people too much.
- There is no need.
- It would be a very small cost to do so.
- It provides the impetus to develop other containers that are more biodegradable and environmentally safe.
- Compostable products are sufficient for this purpose.
- Events generate huge amounts of waste, and so it would be good to help recycle it.
- With the cost of living situation, adding further cost is not feasible.
- If we cannot run an event in a sustainable manner, we cannot afford to run it.
- We are all responsible for the issue of waste.
- Big events generate a corresponding volume of waste. The events are inherently expensive so an increase in cost is not a significant impost.
- We very much live in a user pay society. Everything we do in a positive way helps to reduce our pressure on the environment.
- As a society, we should be happy to contribute to this via an additional cost. People need to take responsibility for the waste that they are producing.
- This is fine as long as the items are placed in the correct bins.
- There should be no extra cost. Costs are ridiculously high at events without a further impost.
- Sadly, legislation is the only way to get genuine change.
- The environment is worth saving at any cost. There is not much point having an economy if our environment as we know it no longer exists.
- There may need to be a government subsidy to offset the price increase to make it more palatable to the consumer.
- It should actually reduce costs, not increase them.
- They are already doing this in Europe at major sporting events.

- I support paying the true cost of products, including the environmental costs of waste management. The long-term benefits in reducing waste and pollution outweigh higher costs.

21. As an event organiser, would you support mandating requirements for the use of reusable food and beverage containers at major events, even if this were to add to the cost for people attending those events?

The results were:

- Support – 1 person
- Oppose – 1 person

22. Please provide reasons for your answer

(The answers are not particularly relevant to the issue under consideration)

23. As a business operator, would you support a proposal that any plastic product that is banned elsewhere in Australia but not in this State should also be banned in South Australia?

The results were:

- Strongly support (2 people – 13.3%)
- Support (2 people – 13.3%)
- Neither support nor oppose (5 people – 33.3%)
- Oppose (2 people – 13.3%)
- Strongly oppose (4 people – 26.75%)

24. Please provide reasons for your answer

- The banning of any plastic item should be based on scientific evidence that demonstrates its threat to the environment. The federal approach of designing both the packaging and recovery systems to facilitate circularity is a much more logical approach to addressing problems of plastics entering the environment.
- As long as there are suitable replacements.
- We might as well. This creates clarity and simplicity for all organisations.
- It is confusing to have different rules. But we have different waste systems as well.
- There needs to be clear evidence that the ban is making a positive impact without any unintended consequences before reviewing and then potentially introducing into South Australia.

25. As a business operator, do you think that the alternatives to products that have been banned have been satisfactory?

The results were:

- Strongly agree – Not selected
- Agree – Not selected
- Neither agree or disagree (3 persons – 20%)
- Disagree (7 persons – 46.7%)
- Strongly disagree (5 persons – 33.3%)

26. Please provide reasons for your answers

- Alternative products are not readily available in the market.
- Compostable bags are hard for consumers to use. Paper bags are a good alternative.
- Some are fine.
- Paper straws are not very effective.
- Still a level of PFAS in most compostable products.
- I have not seen reusables used widely. It does not suit small businesses and venues to have washing facilities.
- Exemptions highlight the lack of suitable alternatives that meet the required standards for functionality and safety. These exemptions highlight the ongoing challenge in sourcing materials that are both eco-friendly and fit for purpose.
- Fibre alternatives in general have reduced functionality, consumers end up using more packaging as the consequence.
- Some alternatives have been satisfactory.