

## LEGISLATIVE COUNCIL

## ENVIRONMENT PROTECTION AMENDMENT BILL 2019

(Amendments and New Clauses to be proposed in Committee by Dr RATNAM)

1. Clause 1, page 2, after line 5 insert—
  - "(c) to amend the **Environment Protection Amendment Act 2018** to insert provisions into the **Environment Protection Act 2017** that prohibit the sale or provision of certain single use items made of plastic or polystyrene; and"
2. Clause 1, page 2, line 6, omit "(c)" and insert "(d)".

## NEW CLAUSES

3. Insert the following New Clause to follow clause 18—
 

**"18A Simplified outline—Chapter 6**

In section 7 of the Principal Act, after proposed section 110(3) of the **Environment Protection Act 2017** insert—

"(3A) Part 6.3A provides for offences relating to the supply and sale of certain single use items made of plastic or polystyrene and the provision of false or misleading information relating to certain single use plastic items."."

4. Insert the following New Clause to follow clause 20—
 

**"20A New Part 6.3A inserted**

In section 7 of the Principal Act, after proposed Part 6.3 of the **Environment Protection Act 2017** insert—

**"Part 6.3A—Single use items****132A Definitions**

In this Part—

*banned single use item* means—

- (a) an item, other than an exempt single use item, that comprises, either wholly or partly, plastic (whether or not that plastic is biodegradable, degradable or compostable) and is intended for disposal after a single use;
- (b) a food or beverage container, other than an exempt single use item, that comprises, either wholly or partly, polystyrene and is intended for disposal after a single use; or

- (c) a prescribed banned single use plastic item;

*exempt single use item* means—

- (a) an item that is supplied and used for medical or health-related purposes; or
- (b) an item that is supplied and used for policing or security purposes; or
- (c) a prescribed exempt single use item;

*item* means—

- (a) a drinking straw; or
- (b) cutlery; or
- (d) the lid of a disposable coffee cup; or
- (e) a cotton bud; or
- (f) a beverage stirrer; or
- (g) a balloon stick.

### **132B Retailer must not provide banned single use items**

A retailer must not sell or provide a banned single use item to a person in the course of conducting a retail business.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

### **132C Provision of false or misleading information relating to banned single use items**

A retailer or wholesaler or a manufacturer of items must not, whether by act or omission, provide to any other person information that the retailer, wholesaler or manufacturer knows, or should reasonably know, is false or misleading about—

- (a) the composition of a banned single use item; or
- (b) whether or not an item is a banned single use item; or
- (c) whether or not an item is an exempt single use item.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units."."