



## Triple Bottom Line (TBL) Assessment Summary

*The Triple Bottom Line Assessment is required to be published in accordance with Part 4, section 23 (1)(b) of the Freedom of Information Act 2016*

The TBL assessment process effectively supports Government policy deliberations and program development by bringing a broader range of perspectives and richer evidence to the attention of decision makers. The primary objective of the TBL Assessment Framework is to assist in developing sound policy/programs aimed at reducing any negative consequences of action, maximising positive impacts and fostering collaboration by drawing on expertise from across government covering social, economic and environmental issues.

### Summary of impacts:

- Overall, the proposed reform will result in positive social and environmental outcomes for the ACT.
- There may be some cost associated with the proposed reform, however a net benefit to the ACT can be achieved through the use of cost-effective plastic alternatives, combined with increased levels of consumer avoidance. As such, the ACT Government considers that the benefits associated with the proposed reform outweigh the potential costs. Supporting analysis is outlined in the associated regulatory impact statement (RIS).
- Absorbing the existing ban on light-weight single-use plastic shopping bags under 35 microns into the current reform will help to streamline legislation related to reducing the impact of plastic in the ACT.
- There will be some social and economic impacts from the implementation of the proposed Bill. The Bill includes the ability for the Minister to grant exemptions, which will minimise these impacts to the greatest extent possible. Key costs include:
  - higher costs to ACT Government as a result of implementing the proposed reform and procurement of single-use alternatives;
  - short-term operational costs to business to adapt to the proposed changes;
  - a potential for moderate cost increases to community organisations and lower-income households as a result of increased costs of alternatives, which can be avoided by those who bring their own re-usable items or choose to dine-in, and
  - Transitional costs to business and community organisations which will be minimised by implementing a discretionary approach to using up existing stock in the early months of the ban. The Bill provides that the Minister may grant further formal exemptions which also minimises this impact.
- The proposed reform will have some impact to Human Rights, as it will impact the availability of single-use plastic products and proposes strict liability offenses. These impacts will be mitigated through exemptions that minimise the impacts of the proposed reform to the greatest extent possible. When the proposed reform is considered as a package, any impacts to rights are considered reasonable and proportionate to the objectives of the proposed reform. This is particularly the case given the risks associated with the continued consumption of single-use plastics and the expected positive environmental, social and economic outcomes associated with regulating the sale, supply and distribution of problematic single-use plastics in the ACT.
- The proposed approach supports the delivery of ACT Government commitments and targets, including those outlined in the ACT Governments' Parliamentary and Governing Agreement to phase out single use plastic and the ACT's Waste Management Strategy and ACT Climate Change Strategy. The proposed reform is also consistent with the objectives of the National Waste Policy and Action Plan.

- Public consultation has indicated there are high levels of community and business support for action on the targeted products and for plastic free events.
- The ACT Government has experience successfully implementing similar reforms (e.g. the *Plastic Shopping Bags Ban Act 2010*) and a comprehensive range of implementation activities are proposed to support the success of the proposed reform.

Level of impact	Positive	Negative	Neutral
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Social		
Level of impact	Impact	Summary
Neutral	Gender Equality	<ul style="list-style-type: none"> <li>• The proposed reform is not expected to disproportionately impact women, girls or gender diverse people in the ACT.</li> </ul>
Positive	Health (Community and mental health)	<ul style="list-style-type: none"> <li>• The proposed reform is expected to have a positive indirect impact on the health sector.</li> <li>• Plastic, including microplastic in the food chain, may have impacts to health and wellbeing of Canberrans.</li> <li>• Avoidance is most effective way to reduce the health impacts associated with single-use plastics.</li> <li>• This reform has led to the development of an ACT Health Factsheet on BYO Containers in Food Businesses containing information to prevent any negative health impacts.</li> </ul>
Negative	Homelessness support	<ul style="list-style-type: none"> <li>• The proposed reform may have a moderate impact on homelessness support infrastructure through an increase in the costs of alternatives to single-use plastics. This is most relevant for the provision of alternative cutlery and polystyrene containers (e.g. cups).</li> <li>• Costs for organisational groups are expected to increase initially given alternatives are more expensive and supply is more limited, however costs are expected to reduce overtime as supply catches up.</li> </ul>
Neutral	Access to social inclusion/participation and community activities	<ul style="list-style-type: none"> <li>• Based on feedback and additional consultation with disability advocacy groups, the Government has decided to delay the phase out of single-use plastic straws to the second tranche of products to be phased out via regulation within 12-months.</li> <li>• Any future regulations will include exemptions to ensure these products remain available for the people who need them.</li> <li>• The ACT Government will continue to work closely with disability advocacy groups, including through the Plastic Reduction Taskforce, to ensure potential impacts are limited wherever possible and that any associated impacts to human rights are limited and proportionate.</li> <li>• This impact will be further mitigated through an education campaign highlighting the importance of single-use plastic straws as an accessibility tool.</li> </ul>

	Human rights	<ul style="list-style-type: none"> <li>• The proposed reform will impact on the following human rights: right to life, right to not have reputation unlawfully attacked, rights in criminal proceedings and right to be presumed innocent until proven guilty.</li> <li>• When considered as a complete package, which includes the ability for the Minister to grant exemptions for people who require access to single-use plastic products, the impacts on people's rights is considered reasonable and proportionate to the objectives of the proposed reform. This is particularly so given the risks associated with the continued consumption of single-use plastics and the expected positive environmental, social and economic outcomes associated with the proposed reform.</li> <li>• The design of the reform has been undertaken in consultation with the Justice and Community Safety Directorate to ensure rights are limited in the least restrictive way, while achieving the purpose of the proposed reform. These impacts have been addressed through the RIS.</li> </ul>
	Impacts on different age groups	<ul style="list-style-type: none"> <li>• The proposed reform is considered unlikely to have a significant impact on different age groups.</li> <li>• There is limited data on the impacts of plastic interventions across age groups. However, a survey undertaken for the ACT Government following the introduction of the ACT plastic shopping bag ban found that respondents aged 25 to 30 years were more likely than others to report never taking reusable bags, while those in cohorts aged over 51 were the most likely to always take reusable bags. People under 30 years were more likely to support the bag ban and additional measures.</li> <li>• There is potential to apply these results when considering the uptake of alternative products and general support of bans/phase-outs and non-regulatory interventions. This is particularly relevant for developing education and promotion campaigns, in order to reinforce the positive impacts of the proposed reform.</li> </ul>
	Disability	<ul style="list-style-type: none"> <li>• Feedback through the public consultation process identified the importance of single-use plastic straws remaining available for people living with disabilities, and for some other groups in the community (e.g. people with medical conditions).</li> <li>• Based on this feedback and additional consultation with disability advocacy groups, the Government has decided to delay the phase out of single-use plastic straws to the second tranche of products to be phased out via regulation within 12-months.</li> <li>• Potential future impacts as a result of the proposed future phase out of single-use plastic straws will be addressed through a separate process.</li> <li>• As such, the proposed reform is not expected to impact on people with disabilities at this time.</li> <li>• The impacts to people with disabilities has been largely avoided by excluding straws from this phase of the</li> </ul>

		reform and straws will not be phased out at declared public events in the first phase. This will be considered subject to further consultation on this item in anticipation of their phase out.
	Justice and Crime	<ul style="list-style-type: none"> <li>The proposed reform introduces offences and penalties for individuals and corporations who sell, supply and/or distribute prohibited plastic products in the ACT. These offences and penalties acknowledge the environmental, social and economic impacts associated with the consumption of single-use plastics and are in line with community expectations.</li> <li>The proposed reform is expected to reduce the consumption, and the associated pollution and litter, of two high profile single-use plastic products (cutlery and polystyrene containers). The reform is expected to incentivise positive community behaviour and will further support the administration of waste management legislation, including the <i>Waste Management and Resource Recovery Act 2016</i> and the <i>Litter Act 2004</i>, in the ACT.</li> <li>In enforcing this legislation, compliance officers will take a risk based approach focusing on advice, education and engagement before any regulatory enforcement is considered. This is in line with regulatory toolkit outlined in the Access Canberra regulatory Compliance and Enforcement Policy<sup>1</sup></li> </ul>

Economic		
Level of impact	Impact	Summary
	ACT Government Budget	<ul style="list-style-type: none"> <li>The proposed reform is expected to have cost implications for the ACT Government for matters such as education, engagement and enforcement.</li> <li>These costs will be absorbed by the relevant Directorates.</li> <li>Absorbing the existing ban on light-weight single-use plastic shopping bags under 35 microns into the current reform is expected to streamline plastic-related ACT Government regulatory functions.</li> </ul>
	Productivity	<ul style="list-style-type: none"> <li>The proposed reform provides a direct and uniform measure that minimises unintended impacts and competitive distortion.</li> <li>There are no local manufacturers of single-use plastic products identified in the ACT. Wholesalers of single-use plastic products are expected to convert to readily available single-use alternatives to meet large scale demand, and may expand their products to reusable options.</li> </ul>

<sup>1</sup> ACT Government, (2020), Regulatory Compliance and enforcement Policy, <https://www.accesscanberra.act.gov.au/ci/fattach/ge/664335/1602724249/redirect/1/filename/200447+-+AC+Regulatory+Compliance+Enforcement+Policy+-+PDF+%28A26190738%29.pdf>

		<ul style="list-style-type: none"> <li>One of the objectives of the proposed reform is to encourage the development and uptake of innovative and sustainable alternatives to problematic single-use plastic products. A regulatory ban is expected to support rapid scaling up of alternatives and can encourage rapid implementation of new products or models, bringing immediate scale to potential solutions. This has the potential to benefit innovative industry organisations including within the Territory.</li> </ul>
	Innovation	<ul style="list-style-type: none"> <li>The proposed reform has the potential to drive innovation in alternatives to single-use plastics.</li> <li>One of the objectives of the proposed reform is to encourage the development and uptake of innovative and sustainable alternatives to problematic single-use plastic products. A regulatory ban is expected to support rapid scaling up of alternatives and can encourage rapid implementation of new products or models, bringing immediate scale to potential solutions. This has the potential to benefit local innovators.</li> </ul>
	Small business impact	<ul style="list-style-type: none"> <li>The proposed reform is expected to have a short-term operational impact to small businesses as they transition to the new arrangements.</li> <li>The regulatory ban is expected to result in moderate costs to business associated with sourcing alternatives.</li> <li>There may be minor transition costs to provide new options. However, costs to business will be minimised by allowing businesses to use their existing stock as part of a transitional period.</li> <li>It is expected that additional costs for alternatives will be passed on to consumers under the precedent set by the major supermarkets in charging for plastic bags. Consultation showed that consumers have mixed views on willingness to pay, but this cost can be neutralised through avoidance or reuse options.</li> <li>Proposals are being progressed to provide timely advice and support to local businesses to ensure a smooth transition. If this can be achieved it will prevent unequal uptake and mitigate transition costs.</li> <li>Avoidance of single-use alternatives is likely to reduce procurement costs. The uptake rate is unknown but potentially high given significant public interest in reducing the consumption of single-use plastics.</li> <li>The proposed reform provides certainty for small business regarding changing community expectations and progressive businesses may experience an increase in patronage from environmentally conscious consumers.</li> </ul>
	Education	<ul style="list-style-type: none"> <li>The proposed reform is not expected to impact access to education and training in the ACT.</li> <li>The public consultation process identified that 63% of community respondents think the education sector has issues with the consumption of single-use plastics. Given the readily available alternatives for plastic</li> </ul>

		<p>stirrers, cutlery and polystyrene containers, it is considered unlikely that the proposed reform will negatively impact the education sector.</p> <ul style="list-style-type: none"> <li>• A public education campaign will be implemented to support the proposed reform. This will include information on the challenges associated with single-use plastics, alternatives and approaches for individuals to reduce their consumption of single-use plastic products. This campaign will target consumer behavioural change to maximise consumption avoidance. This campaign supports existing sustainability education programs delivered by Actsmart across schools and their canteens that include support to avoid single-use plastic.</li> <li>• This approach will support the community, and responds to the public consultation process, which indicates that community survey respondents think information about alternatives will help them to reduce their consumption of single-use plastics. This includes 68% of respondents who report they would reduce their consumption of single-use plastics if they knew more about alternatives.</li> </ul>
	Competition	<ul style="list-style-type: none"> <li>• The proposed reform is expected to provide a direct and uniform measure that minimises unintended impacts and competitive distortion.</li> <li>• The proposed reform is also consistent with the objectives of the National Waste Policy, which has been agreed to by all Australian Governments. One of the key principles in the Policy is to avoid the creation of waste by prioritising waste avoidance and encouraging efficient use, reuse and repair. The proposed reform is consistent with this principle.</li> </ul>
	Cost of living	<ul style="list-style-type: none"> <li>• The proposed reform has the potential for moderate cost increases to community organisations and lower-income households as a result of increased costs associated with single-use alternatives. It is expected that additional business costs for alternatives will be passed on to consumers under the precedent set by the major supermarkets in charging for plastic bags. Consultation showed that consumers have mixed views on willingness to pay, and this cost can be neutralised through avoidance or reuse options.</li> <li>• The proposed reform is expected to have a short-term impact on business. Businesses along the supply chain, from wholesale distributors onwards, will need to source, supply, distribute and sell complying products. Given the abundance of alternatives for plastic stirrers, cutlery and polystyrene containers, coupled with reusable options and avoidance strategies, the cost of living impact from banning these products to the community is expected to be limited.</li> </ul>
	Procurement	<ul style="list-style-type: none"> <li>• The proposed reform is not expected to significantly impact on ACT Government procurement processes.</li> </ul>

		<ul style="list-style-type: none"> <li>• Consultation with ACT Government directorates has indicated the cost of sourcing alternatives can be more expensive than single-use plastic products. The expected impact to directorates will be determined through ongoing engagement with them individually and through the Plastic Reduction Taskforce.</li> <li>• Importantly, the ACT Government can demonstrate leadership on taking action to reduce single-use plastics through proactive procurement measures (e.g. through the Government Procurement (Charter of Procurement Values) Direction 2020<sup>2</sup>, which specifically refers to reducing single use plastics and the Sustainable Procurement Policy, by actively supporting innovative products, and by promoting single-use plastic-free events).</li> <li>• Formal changes to ACT Government procurement practices are not considered as part of the proposed reform. However, existing formal and informal cross-directorate consultation mechanisms and the Plastic Reduction Taskforce, will continue to explore opportunities for ACT Government Directorates to support innovative approaches to reducing waste through government partnerships and procurement processes.</li> </ul>
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Environmental		
Level of impact	Impact	Summary
	Biodiversity	<ul style="list-style-type: none"> <li>• The proposed reform is expected to result in positive outcomes for biodiversity.</li> <li>• This is supported by the social cost-benefit analysis which determined that action to reduce the consumption of single-use plastic products, regardless of the cost of alternatives, always results in positive environmental outcomes.</li> <li>• The public consultation process identified that the community considers environmental impacts to be one of the most significant impacts of single-use plastics in the ACT. Of the respondents who provided an answer, 61% were concerned about environmental impacts, including the effect of pollution, litter and resource use on ecosystems, wildlife, local waterways and the food chain.</li> <li>• The lightweight nature of single-use plastic means that, once littered, it is able to be widely distributed across the environment. This contributes to pollution in ACT waterways, city parks and bushlands. Plastic also poses an immediate threat to wildlife (particularly fragmentable foam) in the environment due to its shape or form. For example, it can:</li> </ul>

<sup>2</sup> ACT Government (2020), Government Procurement (Charter of Procurement Values) Direction 2020, <https://www.legislation.act.gov.au/View/ni/2020-580/current/PDF/2020-580.PDF>

		<ul style="list-style-type: none"> <li>- be mistakenly consumed due to their resemblance to natural food sources which can result in death (e.g. plastic bags and bottle tops),</li> <li>- cause physical injury or death (e.g. plastic fishing nets and bottle rings), or</li> <li>- subvert natural ecosystem function (e.g. prevent light penetrating waterways).</li> </ul> <ul style="list-style-type: none"> <li>• The proposed reform will reduce the amount of single-use plastics littered into the environment and will have a positive effect on the ecology of the region.</li> </ul>
	Environmental Quality	<ul style="list-style-type: none"> <li>• The social cost-benefit analysis determined that action to reduce the consumption of single-use plastic products, regardless of the cost of alternatives, always improves environmental quality.</li> <li>• The proposed reform targets products with high consumption and will be informed by an analysis of the availability of sustainable alternatives, with well understood lifecycle impacts.</li> <li>• Reducing the creation, consumption and disposal of single-use plastics is expected to reduce plastic pollution in the ACT. Over time, positive action and leadership by the ACT Government has the potential to change consumer behaviours, drive innovation and result in improved environmental outcomes throughout Australia and internationally.</li> <li>• As outlined above, the proposed reform is also consistent with the objectives of the National Waste Policy, which has been agreed to by all Australian Governments. One of the key principles in the policy is to avoid the creation of waste by prioritising waste avoidance and encouraging efficient use, reuse and repair. The proposed reform is consistent with this principle.</li> </ul>
	Climate Change mitigation	<ul style="list-style-type: none"> <li>• The proposed reform supports ACT Government commitments to tackle climate change.</li> <li>• Making and discarding plastic has a significant carbon impact. This impact is only going to increase in the future if there is no change in current practice. <ul style="list-style-type: none"> <li>- More than 99% of plastics are made from chemicals derived from oil, natural gas and coal. These non-renewable natural resources cannot be replaced once they are depleted. The UN estimates that by 2050 the plastic industry could account for a fifth of the world's oil consumption.<sup>3</sup></li> </ul> </li> <li>• The proposed reform aims to change the way single-use plastics are consumed in the ACT by prioritising avoidance and reuse, and supports the delivery of the ACT Government's commitment to tackling climate</li> </ul>

<sup>3</sup> United Nations Environment Programme (2018), *Single-use Plastics: A Roadmap for Sustainability*, available at: [https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic\\_sustainability.pdf?isAllowed=y&sequence=1](https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?isAllowed=y&sequence=1) accessed on 7 October 2019, p 2.

		change, including its commitment to have a carbon neutral waste sector by 2020. <sup>4</sup>
	Water	<ul style="list-style-type: none"> <li>• The proposed reform will improve water quality outcomes.</li> <li>• The United Nations reports that the total economic damage to the world’s marine ecosystem caused by plastic amounts to at least \$13 billion every year.<sup>5</sup> The United Nations advises that taking action now to prevent plastic pollution is more cost effective than the future clean up.</li> <li>• Plastic pollution is also an issue for the ACT’s local terrestrial and riverine environments and single-use plastics have been found in Canberra’s gross pollutant traps. This impact to the ACT’s waterways is expensive to manage and has implications for the ACT’s economy.</li> </ul>
	Visual quality	<ul style="list-style-type: none"> <li>• The proposed reform is expected to result in a decrease in the extent of single-use plastics as litter in the ACT and will improve the visual quality of the Territory.</li> <li>• In the ACT, the Keeping Australia Beautiful 2017/18 litter survey found that although there had been an 11.3% reduction in litter levels over the preceding 12 months, there has been a 21.3% increase in the level of plastic. This means that while there is less litter in the ACT’s local environment, a greater proportion of that litter is plastic.<sup>6</sup></li> <li>• The lightweight nature of single use plastics results in the wide distribution across the environment, contributing to pollution in ACT waterways, city parks and bushlands. This has an impact on the aesthetics of Canberra. The public consultation process identified that litter and plastic pollution ultimately impacts Canberra’s reputation as the Bush Capital.</li> </ul>
	Waste	<ul style="list-style-type: none"> <li>• In the ACT, the consumption and disposal of single-use plastic represents significant problems for the environment, in the form of litter, and for the ACT’s waste management sector. <ul style="list-style-type: none"> <li>– The social cost-benefit analysis estimates that approximately 25 million plastic cutlery, 17 million plastic stirrers and 19 million plastic food containers are consumed each year in the ACT.</li> <li>– In the ACT each year, it is estimated that 400 - 500 tonnes of expanded polystyrene was used in foam packaging applications, such as food containers. These products cannot be recycled due to technical and contamination issues and are commonly littered in the ACT. The proposed reform is expected to decrease the amount of</li> </ul> </li> </ul>

<sup>4</sup> ACT Government (2016), *ACT Climate Change Adaptation Strategy: Living with a warming climate*, Environment and Planning Directorate, Canberra, p 31.

<sup>5</sup> United Nations Environment Programme (2018), *Single-use Plastics: A Roadmap for Sustainability*, available at: [https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic\\_sustainability.pdf?isAllowed=y&sequence=1](https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?isAllowed=y&sequence=1) accessed on 7 October 2019, p 16.

<sup>6</sup> Keep Australia Beautiful National Association (2018), *National Litter Index 2017 – 2018: Australian Capital Territory Results*, Canberra, p 6.

		<p>expanded polystyrene pollution, litter and waste to landfill as a result of plastic free public events.</p> <ul style="list-style-type: none"> <li>- Single-use plastics are not easily recycled. Internationally, only 9% of all plastic waste ever produced has been recycled.<sup>7</sup> Single-use plastic products are rarely made of recycled material (i.e. they are made from non-renewable 'virgin' material). Reduced consumption of single-use plastics is expected to reduce the number of single-use plastic items incorrectly sent to recycling, where they interfere with recycling equipment and contaminate clean recyclables.</li> <li>• The ACT has some of the most ambitious waste management targets in Australia. This includes a target of achieving full resource recovery by 2025 and a carbon neutral waste sector by 2020. The proposed reform is an important step towards delivering this target and contributing to the National Waste Policy.</li> <li>• The ACT Government's approach to waste management is outlined in the 2011-2025 ACT Waste Management Strategy. The Strategy works to reduce the amount of waste produced in the ACT, and aims to shift waste to being viewed as a resource, rather than rubbish for landfill. The waste management hierarchy classifies waste management strategies according to their order of importance and aims to extract the maximum practical benefits from products while generating the minimum amount of waste. It does this by: <ul style="list-style-type: none"> <li>- avoiding products becoming waste (reduce and reuse);</li> <li>- finding an alternative use for waste (recycle and recover); and</li> <li>- ensuring safe and appropriate disposal as a last resort.</li> </ul> </li> <li>• The social cost-benefit analysis demonstrates that the most effective economic savings are achieved through single-use product avoidance. This includes supporting the increased use of reusable cutlery, stirrers and containers. This approach is consistent with the ACT's waste hierarchy and the Australian Government's 2019 National Waste Policy Action Plan, which sets a national target of reducing waste generated in Australia by 10% per person by 2030 and phasing out problematic and unnecessary plastics by 2025.<sup>8</sup></li> <li>• The proposed reform is consistent with these policies as it aims to encourage the avoidance of single-use plastic products and encourages the uptake of more sustainable alternatives.</li> </ul>
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<sup>7</sup> United Nations Environment Programme (2018), *Single-use Plastics: A Roadmap for Sustainability*, available at: [https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic\\_sustainability.pdf?isAllowed=v&sequence=1](https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?isAllowed=v&sequence=1) accessed on 7 October 2019, p 6.

<sup>8</sup> Australian Government (2019), *National Waste Policy Action Plan*, National targets, Canberra, p 2.

