

24 September 2020

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To whom it may concern,

Re Exposure Draft Plastic Reduction Bill 2020

The Australian Food and Grocery Council (AFGC) welcomes the opportunity to contribute to the consultation process on the exposure draft *Plastic Reduction Bill 2020*. We also refer you to our earlier submission made as part of the Australia Capital Territory (ACT) Phasing Out Single-use Plastic consultation process in 2019.

The AFGC is the leading national organisation representing Australia's food, beverage and grocery manufacturing industry. The AFGC comprises more than 180 member companies, subsidiaries and associates, who together account for 80 per cent of the gross dollar value of the processed food, beverage and grocery products sector.

The AFGC supports the ACT Government's initiative to address the impacts of single-use plastic products. Overall, the AFGC supports the draft Bill as it aligns closely with the outcomes of the Phasing Out Single-use Plastic consultation process in 2019 and the deliberations of the Plastic Reduction Stakeholder Taskforce which the AFGC participated in.

In particular the AFGC supports:

- The identified list of products under Part 8 Section 1 of the Bill – Prohibited plastic products;
- That the Bill outlines a process for addition of other items as prohibited plastic products under Part 8 Section 1 (e) of the Bill, however, we recommend several amendments as outlined below; and
- The flexibility of the start date of the proposed legislation to take into account the impact of COVID-19 on relevant businesses.

There are several points we wish to raise:

- The AFGC recommends an exemption be added to the Bill for products that are an integral part of a shelf-ready product attached to another product at the point of manufacture and packaging (e.g. straws attached to fruit boxes and plastic spoons packaged with yoghurt); this would be consistent with proposed legislation in South Australia and Queensland and provide clarity for manufacturers;
- To consider an exemption to be given to export packaging in situations where another country has mandated packaging requirements inconsistent with the proposed legislation;
- The AFGC recommends several amendments to Part 8 Section 1 of the Bill, which enables the Minister to add other items to the list of prohibited plastic products, in order to prevent perverse unintended environmental or community outcomes:
 - i. The AFGC recommends the consultation period for proposed additional prohibited plastic products as outlined in Part 8 Section 3(d)(ii), should be extended to a minimum of 12 weeks;

- ii. The AFGC recommends the Bill be amended to require an assessment against defined criteria must be undertaken before introducing another product or class of prohibited plastic products. The omission of such an assessment may lead to perverse outcomes such as substitution by items that cause greater environmental damage or health and safety risks for the community.

In this regard, the Australian Packaging Covenant Organisation (APCO) has published a framework for single-use, problematic and unnecessary plastic packaging to “support industry and government to take a collective and considered approach to the phase-out of problematic and unnecessary single-use plastic packaging”¹. The AFGC recommends that the Minister use the APCO Single-Use Plastic [framework](#) process for determining potential additional prohibited plastic products and recommends that Part 8 Section 3 (b) be amended as follows;

(3) The public notice must –

- (b) *State the reason for prescribing the product; including why it is proposed to be problematic and unnecessary including evidence the items:*
- *are not readily reusable, recyclable or compostable; or*
 - *hinder or disrupt the recyclability or compostability of other products; or*
 - *have a high likelihood of being littered or ending up in the natural environment; and*
 - *can be avoided (or replaced by a reusable/recyclable/compostable alternative) while maintaining utility; and*
 - *include information regarding the availability of alternative products to the single-use plastic item, that do not compromise the ability to meet health or safety regulations, or cause undesirable environmental outcomes;*

Once again, thank you for the opportunity for the AFGC to participate in the Plastic Reduction Stakeholder Taskforce and for considering our feedback in relation to the exposure draft Bill. The AFGC is willing to provide further information on any of the points raised in our submission if necessary.

Yours sincerely,



Barry Cosier
Director, Sustainability

¹ Australian Packaging Covenant Organisation “Single-Use, Problematic and Unnecessary Plastic Packaging” 24 December 2019