



The Hon Lily D'Ambrosio  
Minister for Environment  
Department of Environment, Land, Water and Planning  
PO Box 500  
EAST MELBOURNE VIC 8002

Email: [sup.policy@delwp.vic.gov.au](mailto:sup.policy@delwp.vic.gov.au)

17 May 2022

Dear Minister D'Ambrosio

**Re: Draft regulations to ban single-use plastic items in Victoria**

Thank you for the opportunity to provide feedback on the Department of Environment, Land, Water and Planning's (DELWP) draft *Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022* and Regulatory Impact Statement – Single-use plastic ban 2022.

The Waste Management and Resource Recovery Association of Australia (WMRR) is the peak national body for all stakeholders in Australia's \$15.5 billion waste and resource recovery (WARR) industry. We have more than 2,000 members across the nation, representing the breadth and depth of the sector, spanning business organisations, the three (3) tiers of government, universities, and NGOs.

The sector drives jobs – employing up to 50,000 people – and investment in the Australian economy, and WMRR's purpose is to lead the success of this essential industry while ensuring the environment and community are protected through the safe and responsible management of waste and resources.

WMRR supports the use of regulation to eliminate single-use plastics as these items are essentially "waste". Minimising their use will provide benefits in reducing pollution, increasing reuse, and ideally, improving the ability and quality of materials to be recovered, which WMRR notes are aligned to DELWP's three (3) key reform objectives.

We acknowledge DELWP's extensive efforts in developing a comprehensive RIS and our full submission can be found below. However, WMRR would make the following broad observations:

- While WMRR supports the Victorian government's intent to ban the "sale and supply of the listed single-use plastic items (drinking straws, cutlery, plates, drink stirrers, expanded polystyrene food and drinks containers, and cotton bud sticks)", we would encourage the government to go a step further and consider how it can restrict the design, manufacture, and production of these materials as well. This is a consideration that WMRR is advocating nationally, in line with the need for greater emphasis on avoiding the creation of these materials in the first instance, which is a key principle of a circular economy. To do so requires a stronger focus on product (including packaging) design in order to eliminate the creation of hard-to-recycle and/or single-use materials, and genuine support for re-use systems to be established within Victoria (in accord with both the waste management hierarchy and a

WMRR NATIONAL OFFICE  
57 ST JOHNS ROAD  
GLEBE NSW 2037

(02) 8746 5000  
[INFO@WMRR.ASN.AU](mailto:INFO@WMRR.ASN.AU)

[WMRR.ASN.AU](http://WMRR.ASN.AU)

circular economy). Avoiding the creation of these types of products is preferable to managing them at end-of-life.

- Following on from the point above, WMRR would encourage the government to consider, for future tranches, problematic and unnecessary single-use items generally (and not just plastic) and not limiting this to solely single-use and non-reusable products. Doing so would allow the government to have greater success in meeting its reform objectives, particularly two (2) and three (3) – reduce the amount of plastic waste going to landfill and reduce contamination of recycling streams. To determine if a product is problematic and unnecessary for consideration for a ban, the government could review if an item:
  - Can be eliminated or replaced by a commercially viable alternative that is a reusable plastic item.
  - Is difficult to collect or recover through existing services, including kerbside or similar publicly accessible collection and recovery systems.
  - Is made from material that is difficult or costly to recycle through commercially available recycling technologies.
  - Hinders, disrupts or obstructs opportunities for other materials or resources to be recovered, collected, processed or recycled (e.g., soft plastics or compostable packaging in the recycling stream).
  - Is made from material that may cause harm to human health or the environment (e.g., materials that contain PFAS).
  - Contains additives that accelerate the breakdown of items into particles (e.g., oxo-biodegradable products).
- The government must continue to engage with the community and industry through a sustained communications and education program to re-educate and model single-use-free operations at every available opportunity, and actively support the growth of systems that promote re-use. Further, greater education and awareness around changing consumption habits are required to facilitate a transition to a true circular economy, as well as awareness and acceptance of locally made recycled products from Australian recycled materials.

Please do not hesitate to contact the undersigned if you would like to further discuss WMRR's submission.

Yours sincerely



Gayle Sloan  
**Chief Executive Officer**  
Waste Management and Resource Recovery Association of Australia

**SUBMISSION**

Question(s)	WMRR's response
General	<p>WMRR has long advocated against the exemption of single-use plastic items that are part of a shelf-ready product, i.e., “integrated items” as per Victoria’s RIS. Providing an exemption to manufacturers of integrated items could in effect provide an opportunity to avoid firstly, being responsible producers and secondly, thinking about redesign, which is key in building a circular economy.</p> <p>However, WMRR acknowledges and commends DELWP for going further than all other Australian jurisdictions by not simply including an indefinite exemption, instead providing a timeframe for the phase-out of integrated products.</p> <p>As noted in the RIS, the annual quantity of integrated plastic items in 2020 was 11,000 units, which represents the smallest quantity compared to all other single-use plastic items proposed for the ban. Further, the RIS has highlighted that option two (2), which will ban integrated items from 1 February 2023 along with all proposed products, has an additional benefit of less than 1% over three (3) years compared to option one (1), which exempts integrated products till 31 December 2025.</p> <p>Due to these factors, the potential unintended consequences and challenges should Victoria become the first and only state to ban integrated products, and the fact that the government is intending to phase these materials out, WMRR is supportive of option one (1), which exempts integrated products till 31 December 2025.</p> <p>However, it is vital that the Victorian government informs manufacturers of this timeframe in order to drive investment and innovation in product design now, and</p>

	<p>importantly, work with all Australian jurisdictions on a nationally consistent plan and timeframe to phase these items out, given we are one (1) marketplace; doing so would also ensure greater influence over global manufacturers from which Australia imports products. WMRR encourages the government to also consider this plan and process for single-use complex plastic products, including plastic lined paper and cardboard plates, instead of providing an indefinite exemption for these.</p> <p>WMRR is also recommending that all oxo-biodegradable plastic products are included in the ban. These products are neither a bioplastic nor a biodegradable plastic, but a conventional plastic mixed with an additive to imitate biodegradation. As there remains a lack of consistent evidence about the speed and effectiveness of breakdown in the environment, the risk that the “biodegradable” label could lead to unintended consequences such as littering or contamination of recycling streams, and the fact that this alternative product will continue to encourage a throwaway mentality, these products should be banned. This would also align with the approach being taken in South Australia, reducing confusion for the community and providing consistency for businesses that operate nationally.</p> <p>WMRR notes that the regulations will come into effect on 1 February 2023, with the regulations to be published in September/October 2022. It is essential that a minimum six (6)-month transition is provided between the publication of the regulations and their commencement.</p>
<p>Do you support the below definition of a single-use plastic item? Please share your additional comments on the definition of a banned item.</p> <p>The draft Regulations define what is a banned single-use plastic item, including that it is either wholly or partly comprised of plastic, and</p>	<p>WMRR supports the definition of a single-use plastic item as well as the inclusion of (where possible) single-use items generally, such as those made from degradable or compostable materials, including bioplastics, in the ban.</p> <p>WMRR also recommends that the following definition of plastic is included in the</p>

<p>includes conventional and biodegradable, degradable or compostable plastics.</p>	<p>regulations: “Plastic is defined as a material made from, or comprising, organic polymers whether plant extracts or of fossil fuel origin.”</p>
<p>Do you support the below definition of ‘single-use’ and ‘reusable’?</p> <p>The draft Regulations also define banned single-use plastic items as those that are not ‘reusable’, with reusable defined as a plastic 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 time the item is designed to last) of at least one year. This definition provides manufacturers and other parties in the supply chain with clarity of what is and what is not a banned item. It also aims to ensure that only genuinely reusable plastic straws, plates, cutlery, drink-stirrers, and cotton bud sticks are available and used in Victoria.</p>	<p>While WMRR agrees with part (a) of the definition of reusable, we query what metrics were used by the government to determine that if an item has been designed to last for at least one (1) year, it is deemed ‘reusable’. Further, WMRR ponders if this is an accurate or the only measure of what is indeed reusable and reused.</p> <p>WMRR understands the government’s intent but would recommend that a level of caution is exercised in the promotion of alternatives to single-use plastics as we have seen significant attempts at rebranding in South Australia following its ban implementation (even if these alternatives can last for up to a year) as often, they serve to reinforce the values of a throwaway society and can be counter-productive to behavioural change and environmental outcomes.</p> <p>Further, as noted above, WMRR would encourage the government to consider, for future tranches, problematic and unnecessary single-use items beyond plastics (and defining these) in addition to single-use and non-reusable products.</p>
<p>Do you support a proposed exemption for drinking straws that are used or intended to be used by a person who requires them due to a disability or for medical reasons?</p> <p>Do you support a proposed exemption for cotton bud sticks used or intended to be used for testing carried out for scientific, medical, forensic or law enforcement purposes? Such as for use in a COVID test or laboratory testing.</p> <p>Do you support a proposed exemption for cutlery used or intended to be used in mental health facilities, and in correctional, police or youth justice custodial settings, for health and safety purposes?</p>	<p>WMRR only supports medical exemptions for these products where necessary and encourages the Victorian government to coordinate with all other Australian jurisdictions to develop specific pathways and options for the disposal of these materials, including clear, standardised labelling that articulates how these products should be disposed of.</p> <p>Priority must be given to ensuring that volumes are minimal and that exempted single-use plastics are not discarded in a way that compromises the health of ecosystems.</p>

<p>Do you support a proposed exemption for paper or cardboard plates lined or laminated with any plastic (often known as party plates) to continue to be sold, supplied, and used in Victoria?</p>	<p>Broadly, WMRR does not support exemptions that provide manufacturers with an opportunity to avoid rather than being responsible producers.</p> <p>WMRR would disagree that there are no readily available alternatives, as there are, in fact, significant re-use alternatives (picnic sets for example).</p> <p>As noted above, WMRR would encourage the government to work with all jurisdictions to develop a plan, including timeframes, to phase these products out, providing manufacturers with ample time to drive innovation in product design and transition to a re-use culture.</p> <p>While single-use items continue to be sold and distributed, a ban may not be viable in the near to medium term; thus, WMRR supports the use of mandatory extended producer responsibility so that management of these products are appropriately resourced and funded by producers who supply these materials into our environment and economy.</p> <p>WMRR's position is that EPR returns moral and financial responsibility for potential hazards or harm to those who create it, and while these costs are able to be externalised, continuing to do so means we will not see the necessary change we require towards resource management or design. As such, it is the producers' responsibility to fund the collection, recycling and re-use of costs of these materials.</p>
<p>Do you support an exemption for drinking straws, cutlery or expanded polystyrene cups integrated into food/drink packaging by a machine until 31 December 2025?</p>	<p>Please refer to WMRR's first response above.</p>
<p>Are there any other circumstances where the single-use plastic items proposed to be banned, should continue to be used?</p>	<p>There are no other circumstances where the proposed banned items should continue to be used.</p>
<p>Are there any implementation issues for the single-use plastics ban that have not been captured in the RIS?</p>	<p>WMRR believes the RIS has adequately captured the implementation issues. As noted above however, we would strongly urge the</p>

	government to ensure that a minimum six (6)-month transition is provided between the publication of the regulations and their commencement.
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