



Queensland

# Waste Reduction and Innovation (Single Use Plastics) Youth Act 2022

Act No. 78 of 2022

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A Youth Act to develop the transition from single use plastics and implement industry regulations for proper waste management and promote the development of the bioplastic industry.

[Assented to 20 October 2022]





Queensland

# Waste Reduction and Innovation (Single Use Plastics) Youth Act 2022

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**The Youth Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Youth Act may be cited as the Waste Reduction and Innovation (Single Use Plastics) Youth Act 2022.

### **2 Commencement**

This Youth Act commences on a day to be fixed by proclamation.

### **3 Main purpose of Youth Act**

The main purpose of this Youth Act is to establish the following—

- (a) develop Queensland's transition from single use plastics in order for an optimal and more environmentally sustainable economy;
- (b) implement industry regulations for optimal waste management;
- (c) promote the development of a more advanced and optimal bioplastic industry.

### **4 Definitions**

In this Youth Act—

**AS 4736** means the Australian Standard for biodegradable plastics suitable for composting and other microbial treatment, as in force from time to time under that designation (regardless of the edition or year of publication of the standard).

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**AS 5810** means the Australian Standard for biodegradable plastics suitable for home composting, as in force from time to time under that designation (regardless of the edition or year of publication of the standard).

**AS banned single-use plastic item** has the meaning given by section 99GC of the *Waste Reduction and Recycling Act 2011*.

**Charities** has the meaning given by the *Collections Act 1966*.

**Commercial Waste** means waste created as the result of wholesale or retail trading.

**Compostable** means a plastic item is compostable under AS 4736 or AS 5810.

**Cutlery**—

- (a) means utensils for eating food; and
- (b) includes chopsticks, and sporks.

**Department** means the Department of Environment and Science unless otherwise specified.

**Faulty** means not fit for consumption.

**Healthcare Business or Undertaking** means any of the following businesses or undertakings (however called)—

- (a) a clinic or facility that provides care to persons with a disability or healthcare needs; or
- (b) a dental clinic; or
- (c) a hospital; or
- (d) a medical clinic; or
- (e) a medical supply business or undertaking; or
- (f) a pharmacy.

**Plastic Item** means an item made, in whole or part, of plastic (regardless of compostability).

**PVC** means packaging as defined in the Australian plastic identification code 3 Unplasticised Polyvinyl Chloride (also known as UPVC).

**Regulator** means the Environmental Protection Agency.

**Retailers** means any person or business that sells goods to the public for consumption.

**Shelf-Ready Product** means food or a beverage that is pre-packed as a single-serve and ready for—

- (a) immediate consumption; or
- (b) consumption after cooling or heating the food or beverage.

**Single-Use Plastic Item** means a plastic item, other than a plastic item that is compostable, designed to be used only once.

## Part 2 Industry Regulations

### 5 Retail Waste Management Registration

- (1) Retailers must register their entity on the Retail Waste Management Registration (the Register).
- (2) The Register will be maintained and regulated by the Department of Environment and Science.
- (3) Failure to register their entity on the Retail Waste Management Registration is an offence.

Maximum penalty—20 penalty units

- (4) Registered retailers must maintain a log detailing the retailer's method of managing waste production and disposal.
- (5) If the retailer deals with end-of-waste facilities, the log must also account for the amount of waste processed.
- (6) The retailer must keep their log up to date on the register at the end of every quarter.
- (7) All information recorded in logs will be accessible upon request made by the Department of Environment and Science.
- (8) In this section—

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**quarter** means any of the following periods in a year—

- (a) 1 January to 31 March;
- (b) 1 April to 30 June;
- (c) 1 July to 30 September;
- (d) 1 October to 31 December.

Maximum penalty—20 penalty units.

(9) Polluter pays principle—

The one who creates the waste must bear the cost of its management.

(10) Proximity principle—

Waste and recovered resources should be managed as close as possible to the place they were generated.

(11) Stewardship principle—

(a) Retailers must not destroy unsold inventory—

- (i) including food and non-food products; and
- (ii) unless the inventory is deemed faulty

(b) Unsold inventory must be either—

- (i) upcycled; or
- (ii) recycled; or
- (iii) donated to charities/local organisations in need.
- (iv) disposed of in a manner deemed appropriate by the regulator.

(c) The destruction of faulty inventory must be recorded in a log kept by the retailer—

- (i) Log must remain accurate and up to date at all times; and
- (ii) Entering false information into log will result in penalties.

(12) Method of managing waste—



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Retailers must manage waste in accordance with the principles set out below—

- (a) avoid unnecessary resource consumption; and
- (b) reduce waste generation and disposal; and
- (c) re-use waste resources without further manufacturing; and
- (d) recycle waste resources to make the same or different products; and

*Note—*

In the event that the resources cannot be physically recycled, retailers must donate it to local charities/organisations

- (e) recover waste resources, including the recovery of energy; and
- (f) treat waste before disposal, including reducing the hazardous nature of waste; and
- (g) dispose of waste only if there is no viable alternative.

## **6 Plastic Reduction**

- (1) The objects of this part are to—
  - (a) promote and support the waste and resource management hierarchy;
  - (b) reduce plastic pollution by reducing the number of single-use plastic items, including—
    - (i) used or sold single-use plastic items; and
    - (ii) single-use plastic items that are littered or disposed of in landfills.
  - (c) encourage retailers and consumers to—
    - (i) reduce the overall use and sale of single-use plastic items; and
    - (ii) use or sell sustainable alternatives to single-use plastic items.

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- (d) encourage manufacturers to identify innovative product designs for sustainable alternatives to single-use plastic items.
  - (e) recognise the needs of persons with a disability and the healthcare needs of persons in relation to the use of banned single-use plastic items.
  - (f) ensure manufacturers and consumers are aware of, and understand, information about plastic items that are compostable.
- (2) A banned single-use plastic item is a single-use plastic item that is—
- (a) a single-use plastic cotton bud; or
  - (b) a balloon; or
  - (c) a balloon stick; or
  - (d) a plastic bag; or
  - (e) a single-use plastic bottle; or
  - (f) a coffee pod made, in whole or part, of plastic; or
  - (g) a wet wipe pack containing plastic; or
  - (h) plastic film packaging; or
  - (i) multi-layer non-recyclable plastic; or
  - (j) a tea bag containing plastic; or
  - (k) a single-use plastic razor; or
  - (l) multi-pack rings for canned drinks; or
  - (m) a disposable plastic cup; or
  - (n) a multi-veg or fruit net bag; or
  - (o) an internal plastic tray; or
  - (p) a multi-pack crisps packaging and tin; or
  - (q) PVC cling film; or
  - (r) a single-use serving sachet; or
  - (s) a price-look-up fruit or vegetable sticker; or

- (t) a single-use plastic sandwich bag; or
  - (u) a plastic toothbrush; or
  - (v) a single-use takeaway coffee cup and lid; or
  - (w) magazine wrapping; or
  - (x) a polystyrene fruit or meat tray; or
  - (y) microbeads; or
  - (z) a plastic straw attached to a juice box; or
  - (aa) a plastic fork included in a pre-packed salad; or
  - (ab) bread tags.
- (3) A single use plastic item that is prescribed by regulation not to be a banned single use plastic item on account of it being—
- (a) necessary to healthcare or other essential industry; or
  - (b) made of a material deemed by the regulator as being of little or no harm to the environment; or
  - (c) of necessary function that has no alternative and is of little or no harm to the environment that has been approved by the regulator.

## **Part 3**

# **Single-use Plastic Regulations and Bioplastic Development**

### **7 Transition From Single-use Plastics**

- (1) A person who conducts a business undertaking, using a banned single-use plastic item must—
- (a) transition to a non-banned alternative prior to the commencement of the ban; or
  - (b) halt sale of banned single-use plastic on commencement day and replace banned single-use plastic with an alternative when such an alternative is found; or
  - (c) discontinue the sale of the item indefinitely.

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- (2) In this section exempt business or undertaking means—
- (a) a healthcare business or undertaking; or
  - (b) a business or undertaking, prescribed by regulation for this definition, that involves the sale or supply of banned single-use plastic items where the use of banned single-use plastic items is necessary for disability or healthcare needs.
- (3) In this section any business or undertaking that is substantially similar to an exempt service and that wishes to be considered exempt must file an application to the *Department*, who will consider—
- (a) the nature of the business; and
  - (b) the necessity of operation.
- (4) An exempt business or undertaking must facilitate in transition from the use of banned single-use plastics where—
- (a) the necessity of operation is not materially impacted; and
  - (b) it is not discriminatory; and
  - (c) it does not increase the chances of a biohazard; or
  - (d) it does not increase the bacterial or viral or fungal spread; or
  - (e) a sterile environment when necessary can still be achieved.
- (5) The Department must assist recycling facilities and composting facilities with adequate waste management by—
- (a) grant funding to commercial compost businesses or undertakings that—
    - (i) accommodate for bioplastics; or
    - (ii) are capable and prepared to accommodate bioplastics by ensuring separate recycling streams exist at such facilities to avoid contamination between different materials being recycled, where—

- (A) one stream enables the recycling of bioplastic; and
  - (B) another enables the recycling of other types of plastic.
- (b) these grants will be monitored and administered by the Department.
- (6) the Department of Environment and Science must approve the methods used to process bioplastics.

## **8 Education For Proper Waste Management**

- (1) The Department of Environment and Science and the Department of Education are responsible to educate the public on the proper disposal of bioplastics, glass, metal, paper and soft plastics.
- (2) The Department of Environment and Science and Department of Education are responsible for developing and implementing the recycling and composting educational management plans for—
  - (a) schools; and
  - (b) workplaces.
- (3) The management plans are promoted by—
  - (a) circulation of educational materials in public spaces; and
  - (b) prompting discussion in the education sectors.

## **9 Development Of The Bioplastic Industry**

- (1) The object of this part is to help create and stimulate a greener packaging industry to produce bioplastics in line with AS4736 and AS 5810.
- (2) This will be done in two phases—

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- (a) Phase one—awarding research funding to projects researching new and greener machinery for the production of bioplastics; and
  - (b) Phase two—creating incentives for the new industry to attract businesses.
- (3) These phases must happen consecutively and cannot progress until certain criteria are met.
- (4) Phase one’s completion criteria are—
- The bioplastic machines that scientists help create must be able to—
- (a) Produce the same amount of bioplastic as the amount of single-used plastic produced by machines at the time of this Act’s proclamation date; and
  - (b) Produce quality bioplastics; and
  - (c) Be able to produce bioplastics with renewable sources of energy however possible, where renewable sources are any of the following
    - (i) solar energy
    - (ii) wind energy
    - (iii) hydroelectric energy
    - (iv) geothermal energy.
  - (d) Be able to produce bioplastics with minimal use of pesticides and fertilisers however possible, as decided by the Department of Environment and Science.
- (5) Phase two’s completion criteria are to be assessed by—
- (a) Phase one will work with current leading scientists and help fund research to work toward the criteria
  - (b) Phase two will work by helping investors build businesses to produce created from the machines approved in phase one
- (6) These grants and phases will be—
- (a) monitored and administered by the Department; and

- (b) the companies who receive grants under this Act will be audited every 2 years.

## 10 Implementation

- (1) The Minister must ensure a review of the operation stated in this Act starts not more than 2 years after the commencement and occurs every 2 years after.
- (2) The review must assess—
  - (a) the effect of this Act on the community, especially persons with a disability or healthcare needs; and
  - (b) the level of public knowledge and understanding of this Act, including—
    - (i) what is or is not a banned single-use plastic item, and alternatives to banned single-use plastic items; and
    - (ii) whether or not plastic items are compostable; and
    - (iii) how bioplastics can be optimised to reduce environmental harm.
  - (c) the effectiveness of this Act in reducing the number of single-use plastic items
    - (i) used or sold; and
    - (ii) that become waste and are littered or disposed of to landfill.
  - (d) the effect of this Act on the use or sale of alternatives to single-use plastic items, including whether or not the alternatives are sustainable or designed to be used only once; and
  - (e) the level of compliance with this Act; and
  - (f) the life cycle of bioplastics since the last report, where the assessment must take into account the following—
    - (i) greenhouse gas emissions generated during the production and use of the bioplastics;

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- (ii) the environmental impact of any pesticides or fertilisers used in the production and use of the bioplastics.
- (3) The regulator must give a report on the outcome of the review to the Minister within 6 months of commencing the review.
- (4) The Minister must table the report in the Legislative Assembly within 12 sitting days after receiving the report.

## **Part 4 Administration**

### **11 Compliance**

- (1) Compliances notices apply when the Department of Environment and Science regulator reasonably suspects a person has supplied, is supplying or is preparing to supply—
  - (a) a prohibited plastic item; or
  - (b) an item that does not comply with a design standard as given by ?.
- (2) The regulator may, by written notice, direct either or both of the following to take an action specified in the notice within the period, if any, specified in the notice—
  - (a) the occupier of the premises; and
  - (b) the supplier, whether or not at the premises.
- (3) Without limiting subsection (2), the action specified in the notice may include the following—
  - (a) Stopping or suspending the supply of the item; and
  - (b) Stopping another specified action or activity, including providing information that is, or is likely to be, false or misleading in relation to the item; and
  - (c) disposing of the item; and
  - (d) Engaging in an independent and appropriately qualified person to carry out specified tests on the item; and



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- (e) providing a statement of compliance to a person who receives or will receive a supply of the item; and
  - (f) other actions prescribed by the regulations, including actions that must not be taken.
- (4) A person who did not supply an item referred to in a notice, if complied or found not liable with the notice may appeal the Queensland Civil and Administrative Tribunal for the cost of complying with the notice from the person who supplied the item.
- (5) Subsection (4) only applies if the has taken all reasonable steps to prevent the supply of the item.
- (6) A person who does not comply with a stop notice given to the person is guilty of an offence.
- Maximum penalty—
- (a) for a corporation—2527 penalty units and, for a continuing offence, a further 252 penalty units for each day the offence continues; or
  - (b) for an individual—505 penalty units and, for a continuing offence, a further 108 penalty units for each day the offence continues.
- (8) A notice, or a variation of a notice, operates from the day the notice or notice of the variation is given or from a later day specified in the notice.
- (9) If an appeal is made against a compliance notice or the variation of a compliance notice and the Queensland Civil and Administrative Tribunal directs that the notice is stayed, the notice or variation does not operate until—
- (a) the stay ceases to have effect; or
  - (b) the Queensland Civil and Administrative Tribunal confirms the notice; or
  - (c) the appeal is withdrawn.
- (10) A person who is given a notice by the regulator must within 30 days pay the fee specified in the notice to the regulator.

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- (11) The regulator may publish, on its website, the fees for the administrative costs of preparing and giving notices.
- (12) The regulator may—
  - (a) extend the time for payment of the fee, on the application of the person, or
  - (b) waive payment of the whole or a part of the fee, on the regulator’s own initiative or on the application of the person.
- (13) The fee is not payable during the currency of an appeal against the notice.
- (14) If the decision of the Queensland Civil and Administrative Tribunal on an appeal does not invalidate the notice, the fee is payable within 30 days of the decision.
- (15) A person who does not pay the fee within the time provided under this section is guilty of an offence.  
Maximum penalty—216 penalty units.
- (16) The regulator may, by written notice, require a person to whom a compliance notice is given to pay reasonable costs and expenses incurred by the regulator in connection with—
  - (a) monitoring action under the notice; and
  - (b) ensuring the notice is complied with; and
  - (c) other associated matters.
- (17) The regulator may, by written notice, require a person to whom a compliance notice is given to pay reasonable costs and expenses incurred by the regulator in taking an action under section 45 because a compliance notice is not complied with.
- (18) The regulator may recover unpaid amounts specified in a compliance cost notice as a debt in a court of competent jurisdiction.
- (19) More than 1 notice under this Part may be given to the same person.

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- (20) A notice may be revoked or varied by a subsequent notice or notices given by the regulator.
- (21) A notice may be varied by modification of, or addition to, its terms and specifications.
- (22) A notice may be varied by extending the time for complying with the notice.
- (23) If a person does not comply with a compliance notice given to the person, the regulator may take action to cause the compliance notice to be complied with by—
- (a) the regulator; or
  - (b) an employee of the regulator; or
  - (c) an agent or contractor acting under the direction of the regulator.
- (24) Without limiting subsection (1), the regulator may, by its employees, agents or contractors, enter premises at a reasonable time if the regulator reasonably suspects a person has not complied with a compliance notice given to the person.
- (25) For the purposes of entering or leaving premises, subsection (2)—
- (a) extends to entering other premises, and
  - (b) authorises entry by foot, by a motor vehicle or other vehicle or in another way.
- (26) Entry may be effected by the regulator with—
- (a) the number of authorised officers or police officers as the regulator considers necessary, and
  - (b) the use of reasonable force by police officers.
- (27) A person who willfully delays or obstructs the regulator, or another person authorised by the regulator to take the action, from taking action under section 25 is guilty of an offence.

Maximum penalty—

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- (a) for a corporation—505 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or
- (b) for an individual—108 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues.

## 12 Appeals

- (1) A person served with a compliance notice may appeal to the Queensland Civil and Administrative Tribunal against the notice.
- (2) The person must lodge an appeal within 21 days, or another period prescribed by the regulations, after being served with the notice.
- (3) The lodging of an appeal does not stay a notice, unless otherwise directed by the Queensland Civil and Administrative Tribunal.
- (4) There is no appeal against a decision of the regulator to extend the time for complying with a compliance notice.
- (5) If a financial assurance condition is imposed on an approved action plan, the brand owner subject to the plan may appeal to the Queensland Civil and Administrative Tribunal against the condition.
- (6) The brand owner must lodge an appeal within 21 days, or another period prescribed by the regulations, after being notified of the condition.
- (7) The lodging of an appeal does not, except to the extent the Queensland Civil and Administrative Tribunal otherwise directs in relation to the appeal, operate to stay the condition appealed against.
- (8) In this section—

*A financial assurance condition* means a condition imposed on an approved action plan.

- (9) The Queensland Civil and Administrative Tribunal may hear and determine an appeal made under this Act.
- (10) The decision of the Queensland Civil and Administrative Tribunal on an appeal under this Act is final and binding on the appellant and the person or body whose decision or notice is the subject of the appeal.